



AN CHÚIRT OIBREACHAIS

THE LABOUR COURT

ANNUAL REPORT

2017



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

MISSION STATEMENT OF THE LABOUR COURT

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

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CHAIRMAN'S FOREWORD

Foreword to Annual Report 2017 (June 2018)

Overview

The Labour Court, as an organisation with two 'faces', is an almost unique institution globally in the context of State funded arrangements for the resolution of disputes between employers and workers. On the one hand the Court has, since 1946, provided an industrial relations service whereby disputes which parties have been unable to resolve themselves or with the assistance of the Workplace Relations Commission can be referred to the Court for an 'opinion' in the form of a Recommendation of the Court which is not binding on the parties. Separately, since October 2015, the Court is the single appellate body for all complaints made under the body of employment law. That role gives the Court binding decision making functions in law. Such decisions of the Court can be appealed on a point of law to the High Court but otherwise are final and enforceable.

The Court endeavours to meet the challenge of delivering these functions in a competent and expert manner. That ambition requires the Court to demonstrate familiarity with and understanding of the industrial relations life of the country and real understanding of the functioning of collective relationships in Irish employments. In addition, the Court must exhibit and deliver a high level of competence and expertise in the area of employment law.

These twin challenges lead the individual members of the Court to a commitment to learning and ongoing professional development including in terms of the law as it evolves and the conduct of industrial and employment relations as it develops. Individual members of the Court draw on their background of expertise in the law and industrial relations and add to that deep experience through internal expert led seminars and discussion and externally delivered programmes of study and learning.

It is a mark of the value and success of the Court that the vast majority of its industrial relations Recommendations are accepted voluntarily by the parties notwithstanding that their path to the Court has been an experience of disagreement. Similarly, the work of the Court in employment rights disputes has produced a very small level of appeal to the High Court on points of law or

judicial review arising from its decisions. Against those measures it can fairly be recorded that the Court continues to deliver a high quality impartial service which meets the real needs of workers and employers and their representatives including Trade Unions and employer organisations. It is a core commitment of the Labour Court that it will, through commitment to excellence in decision making and the delivery of impartial service, continue to remain relevant and appropriate to the needs of employers, workers and the economy generally.

To the degree that an ambition of the Workplace Relations Act, 2015 was to provide a ‘world class’ service, it can be acknowledged that the institutional industrial relations dispute framework of conciliation by the WRC and onward referral to the Court where necessary remains a bulwark of our ‘world class’ industrial relations dispute resolution system. It is however in the area of disputes arising under the body of employment law that the dispute resolution infrastructure saw the most change arising from the 2015 Act. The fact that timeframes for users to achieve finality in their employment rights based disputes is now a fraction of that required previously is a strong indicator that the ambition of providing a ‘world class’ service to employers and workers is being achieved. Low rates of appeal to the Court and onward appeal to the High Court give further support to the contention that the reformed infrastructure has achieved a step change in the quality of service delivered to the public.

The Labour Court experienced an increase in appeals to it of decisions made by Adjudication Officers made under employment law after the passing of the 2015 Act. Such appeals increased from 399 in 2015 to 711 in 2017. This increase in appeal numbers 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 deriving from employment rights under the law.

The Labour Court is conscious of the need to assist users and potential users to comprehend that the Labour Court and WRC are separate statutory bodies with separate roles to play along the pathways of resolution of employment disputes. That understanding enhances the efficacy of the entire institutional dispute resolution pathway.

In the case of industrial relations disputes, it is critical to our voluntary system of industrial relations that all stakeholders understand and support the concept of the Labour Court as the “Court of last resort”. This concept is an underpinning feature of a system which provides voluntarily accessed and freely available conciliation delivered by the expert team of the WRC in an effort to assist parties to resolve their disputes. It is only where that effort has not resulted in agreement do parties turn their attention to a possible voluntary referral of their dispute to the Labour Court for a non-binding opinion. The Court is not the Workplace Relations Commission and the opinion that the Court gives following a referral from conciliation by the Commission is of value only when parties see that opinion as a separate and independent process to the work of the parties at the Commission’s conciliation service.

Similarly, the Court is the place to where decisions made by the adjudication service of the Workplace Relations Commission can be appealed under law. It is a critical matter of law that there is effectively no relationship between the Court and the adjudication service of the Workplace Relations Commission. The law underpins that separation of the two bodies.

Timescale for Hearings

The average timescale for scheduling hearings of the Labour Court in Dublin in 2017 was 13 weeks from the date of appeal or referral. Outside of Dublin it was 16 weeks from date of appeal or referral in 2017. 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 in 2017. This issue will remain a focus of the Court in 2018.

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 were met in over 85% of cases in 2017.

Number of Referrals

In 2017, the Court received 1093 referrals under the various statutes within its jurisdiction. This compares to 1121 received in 2016 and represents a 2% decrease of referrals compared to 2016. The level of referrals in industrial relations cases fell from 402 in 2016 to 382 in 2017, representing a 5% decrease on 2016 figures. The level of referral in employment rights cases however, as mentioned above, remained relatively consistent with 2016 and significantly higher than 2015 rates.

The changes brought about by the Workplace Relations Act 2015 impacted significantly on the profile of cases coming before the Court. In 2017, the proportion of referrals to the Court which were employment rights based was 65% - 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 a majority of appeals to the Court arising in the area of employment rights will continue and may grow into the future.

It is 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 representative Trade Unions 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.

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.

In that regard it must be stressed that the Court considers each pay dispute before it on its own merits. The Court is aware of trends in pay determination in the economy generally but is not a setter of those trends. Each Recommendation of the Court seeks to impartially reflect a view as to the most appropriate resolution for the dispute in the particular employment which has come before the Court.

Changes in Court Membership

During 2017 Mr Jerry Shanahan, who had served as a member of the Court for close to 7 years, retired from that position. Jerry had a distinguished career in the Trade Union movement before joining the Court in 2011 where he brought all of his experience to bear in making his significant contribution to the work of the Court. Also in 2017 the Court Registrar, Mr Hugh O’Neill, retired from his position. Hugh had held this office since January 1999 and leaves behind a distinguished legacy of service across that period.

Ms. Louise O’Donnell became a Deputy Chairman of the Labour Court in 2017 having previously served as a member of the Court since 2015.

In 2017, Ms Katie Connolly, Mr Arthur Hall and Ms Clare Treacy were appointed as members of the Court.

Acknowledgement

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 continues 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, Denis Hosford, who provided me with invaluable and expert support in managing the administrative affairs of the Court.

I wish to thank the Minister for Business Enterprise and Innovation for her continuing support for the work of the Court. In particular also, I would like to thank Ms Orleigh Quinn, the Secretary General of the Department and Ms Clare Dunne, Assistant Secretary General responsible for the Workplace Regulation and Economic Migration Division of the Department, and the entire team in that Division for their continued invaluable support and assistance during the year.

Kevin Foley

Chairman

June 2018

MEMBERS OF THE LABOUR COURT IN 2017

Chairman	<i>Kevin Foley</i>
Deputy Chairmen	<i>Caroline Jenkinson</i> <i>Brendan Hayes</i> <i>Alan Haugh</i> <i>Louise O' Donnell (appointed July 2017)</i>
Employer Members	<i>Peter Murphy</i> <i>Sylvia Doyle</i> <i>Gavin Marie</i> <i>Katie Connolly (appointed January 2017)</i>
Worker Members	<i>Jerry Shanahan (retired September 2017)</i> <i>Linda Tanham</i> <i>Andrew McCarthy</i> <i>Arthur Hall (appointed July 2017)</i> <i>Clare Treacy (appointed September 2017)</i>
Registrar	<i>Hugh O'Neill (retired June 2017)</i>

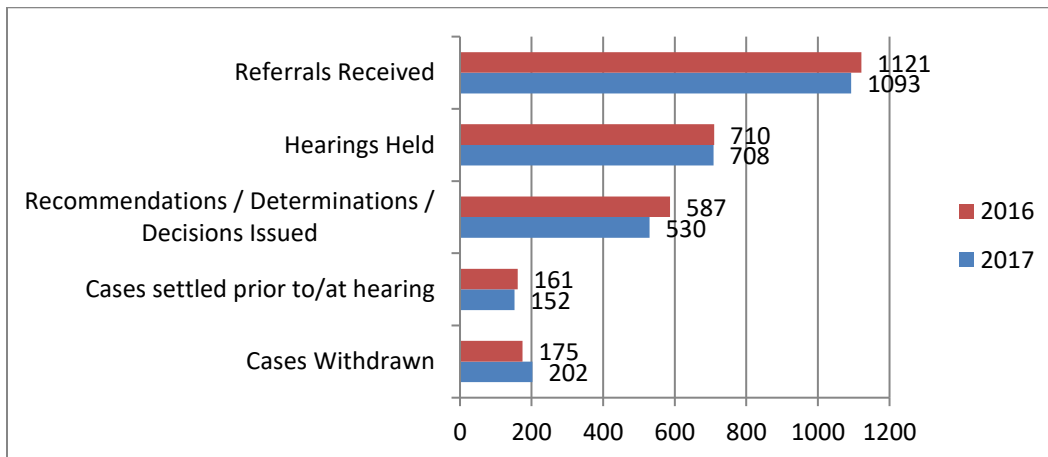
HEADLINES 2017

In 2017, the Labour Court

- Received 1093 referrals
- Held 708 hearings
- Issued 530 Recommendations / Determinations / Decisions / Orders
- Investigated 152 cases that were settled prior to or at a hearing

In addition, 202 appeals were withdrawn by parties during 2017 prior to hearing. A further 141 cases were on hold at year end and 46 cases during the year were found upon referral to be outside the statutory time-limits for receipt of cases.

WORK OF THE LABOUR COURT IN 2017

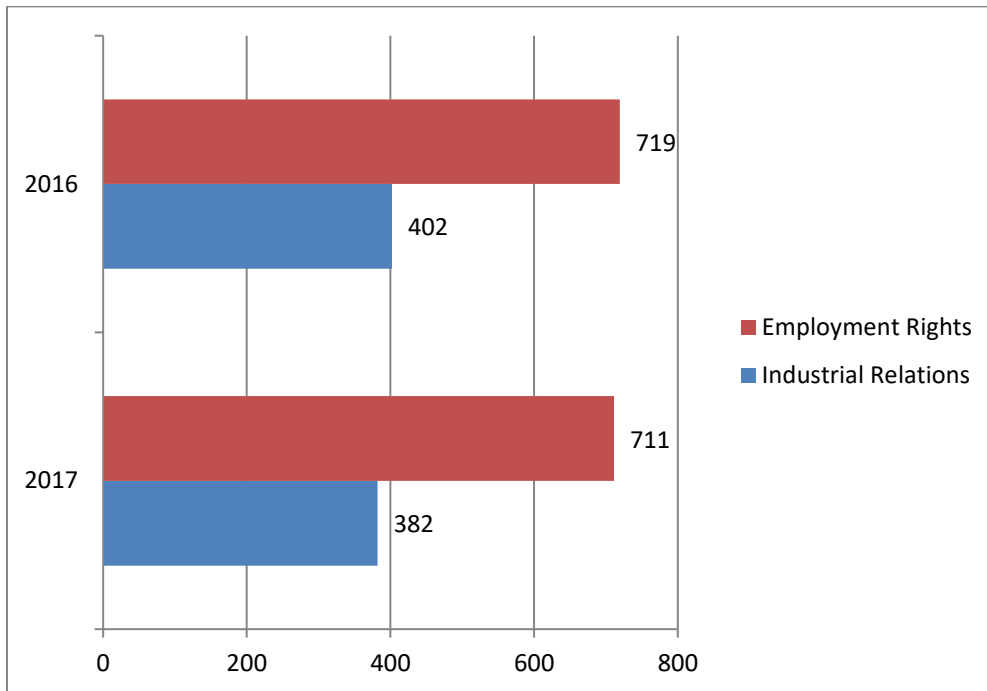


The difference between referrals received and hearings convened arises because in any given year a number of referrals will be withdrawn, be on hold because the parties are not in a position to agree a date for a hearing or have been received too late in the year for hearing in that year.

NOTES

Additionally, in 2017, the Labour Court concluded its examination of a Sectoral Employment Order with application to Craftspersons, Construction Operatives and Apprentices in the Construction Sector, and submitted its recommendation to the Minister. The Minister signed the Order into effect on 19th October 2017. The Labour Court also concluded its examination of a Sectoral Employment Order in the Mechanical Engineering Building Services Contracting Sector, made its recommendation to the Minister and the Minister signed the Order into effect on 6th March 2018. One Employment Regulation Order was made in respect of the Security Industry on 30th May 2017 and one Employment Agreement was registered in May 2017 between Freshways Food Co. & SIPTU.

Since 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 2017

Overall there was a 2.5% decrease in referrals to the Labour Court in 2017 compared to the previous year (from 1121 to 1093) with some sub-categories of referrals witnessing more significant change.

Referrals under the Industrial Relations Acts 1946 to 2015 accounted for 35% of total referrals. This class of referral showed an overall decrease of 20 referrals from 402 in 2016 to 382 in 2017.

Referrals under Employment Rights legislation accounted for 65% of cases coming to the Court, a 1% decrease from 719 in 2016 to 711 in 2017.

PROFILE OF REFERRALS – BY CATEGORY

Category	2017	2016
<i>Industrial Relations</i>	382	402
<i>Employment Rights</i>	711	719
<i>Unfair Dismissals</i>	195	164
<i>Equality</i>	111	109
<i>Organisation of Working Time</i>	95	120
<i>Payment of Wages</i>	80	103
<i>Terms of Employment</i>	59	71
<i>Protection of Employees on Transfer of Undertakings</i>	37	25
<i>Redundancy Payments Acts</i>	34	17
<i>Minimum Notice & Terms of Employment Acts</i>	28	23
<i>Safety, Health & Welfare at Work</i>	12	14
<i>Road Transport</i>	12	7
<i>Fixed-Term Work</i>	11	22
<i>National Minimum Wage</i>	11	12
<i>Protected Disclosures Criminal Justice Act</i>	11	4
<i>Appeal of Compliance Notice</i>	4	2
<i>Temporary Agency Work</i>	3	1
<i>Part-Time Work</i>	2	8
<i>European Communities Protection of Employment Regulations</i>	2	2
<i>Maternity Protection</i>	1	4
<i>Parental Leave Acts</i>	1	2
<i>Protection of Employees (Employers Insolvency) Acts</i>	1	0
<i>Pensions Acts</i>	1	0
<i>Employee Information and Consultation</i>	0	2
<i>Competition Acts</i>	0	2
<i>Dismissal of Claim by Adjudication Officer</i>	0	2
<i>Prevention of Corruption Amendment Act</i>	0	2
<i>Criminal Justice Act</i>	0	1
<i>Health Act</i>	0	0
Total	1093	1121

PROFILE OF REFERRALS – BY SOURCE

Source	2017	2016
Cases which had earlier involved Workplace Relations Commission (total)	704	757
• referrals from Conciliation Service ¹	155	150
• appeals from Adjudication Officer decisions and complaints that decisions not implemented ²	549	607
Appeal against decision of Adjudication Officer decisions (Equality cases)	111	109
Appeal against decision of Adjudication Officer decisions (Unfair Dismissal cases)	195	164
Direct referrals ³	83	91
Total	1093	1121

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.

2017 OVERVIEW – CONTINUED

PROFILE OF COMPLETED CASES – BY CATEGORY

Category	2017	2016
Unfair Dismissals	98	47
Equality	53	49
Organisation of Working Time	45	114
Payment of Wages	42	59
Terms of Employment	34	46
Redundancy Payments Acts	22	4
Minimum Notice & Terms of Employment Acts	21	3
Protection of Employees on Transfer of Undertakings	18	16
Fixed Term Work	7	15
Safety, Health & Welfare at Work	7	11
Protected Disclosures	5	3
Road Transport	3	8
Part-Time Work	3	5
National Minimum Wage	2	16
Appeal of Compliance Notice	2	0
Maternity Protection Act	1	3
Parental Leave Acts	1	0
Employee Information and Consultation	1	2
Temporary Agency Work	1	2
Prevention of Corruption Amendment Act	0	4
Competition Acts	0	2
European Communities Protection of Employment Regulations	0	2
Criminal Justice Act	0	1
Pensions Act	0	1
Health Act	0	0
Industrial Relations	316	335
Total*	682	748

* Additionally, 202 cases were withdrawn by parties during 2017 compared with 175 in 2016. A further balance of cases was on hold or in the process of scheduling at year end.

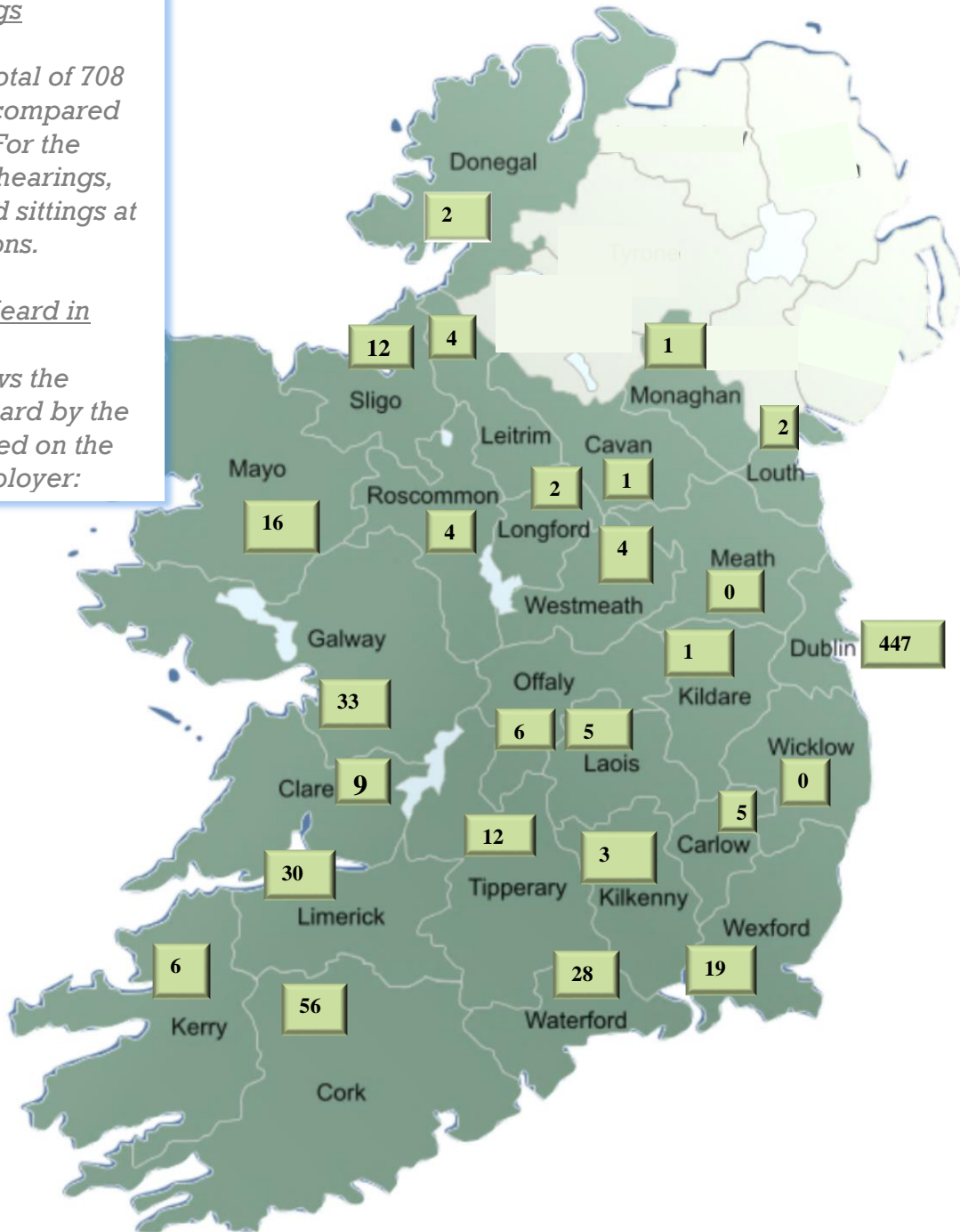
HEARINGS IN 2017

Number of Hearings

The Court held a total of 708 hearings in 2017, compared with 707 in 2016. For the purposes of these hearings, the Court arranged sittings at a total of 12 locations.

Origins of Cases Heard in 2017

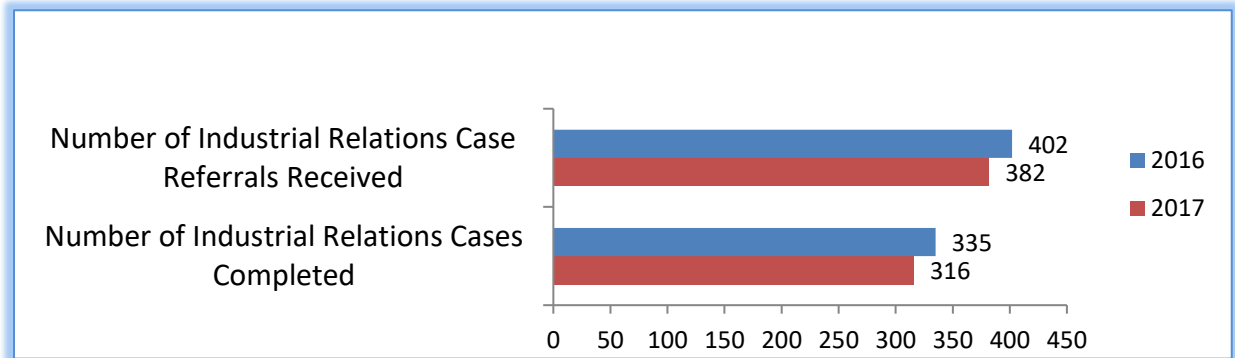
The following shows the origins of cases heard by the Court in 2017, based on the address of the employer:



INDUSTRIAL RELATIONS CASES IN 2017

INDUSTRIAL RELATIONS CASES REFERRED AND COMPLETED BY THE COURT

The number of referrals received under the Industrial Relations Acts 1946-2015 decreased by 5% in 2017 as compared with 2016. Most categories remained fairly consistent year on year.



The difference between referrals received and cases completed arises because in any given year a number of referrals will be withdrawn, be on hold because the parties are not in a position to agree a date for a hearing or have been received too late in the year for hearing in that year.

PROFILE OF INDUSTRIAL RELATIONS CASES RECEIVED

Source	2017	2016	Difference
Referrals from WRC (conciliation)*	154	145	9
Appeals of Recommendations of Adjudication Officers	144	161	-17
Direct referral – advance acceptance of Recommendation	83	91	-8
Direct referral where no negotiating procedures in place	1	4	-3
Case referred to the Court in exceptional circumstances	0	1	-1
Total	382	402	-20

* 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 116 cases completed, a total of 14 cases were settled prior to or at the Labour Court hearing. The following information relates to the remaining 102 appeals in which the Court issued a recommendation.

SOURCES OF INDUSTRIAL RELATIONS APPEALS

Appeal by	2017	2016
Worker	63	46
Employer	38	23
Both sides	1	1
Total	102	70

OUTCOME OF INDUSTRIAL RELATIONS APPEALS

Outcome of Appeal	2017	2016
Adjudication Officer's recommendation upheld	42	26
Adjudication Officer's recommendation varied/amended	31	26
Adjudication Officer's recommendation overturned	29	18
Total	102	70

Additionally, 26 cases were withdrawn by parties during 2017.

UNFAIR DISMISSAL CASES IN 2017

The function of the Labour Court under the Unfair Dismissals Act 1997 to 2017 is to determine appeals of Adjudication Officer decisions under the Act;

UNFAIR DISMISSAL CASES REFERRED TO THE COURT IN 2017

<i>Number and Categories of Referrals Received</i>	2017	2016
Appeals of Adjudication Officers decisions	195	164
Total	195	164

UNFAIR DISMISSAL CASES COMPLETED BY THE COURT IN 2017

<i>Number of Cases Completed by Category</i>	2017	2016
Appeals of Adjudication Officers decisions	98	47
Total	98	47

THE DIFFERENCE BETWEEN REFERRALS RECEIVED AND CASES COMPLETED ARISES BECAUSE IN ANY GIVEN YEAR A NUMBER OF REFERRALS WILL BE WITHDRAWN, BE ON HOLD BECAUSE THE PARTIES ARE NOT IN A POSITION TO AGREE A DATE FOR A HEARING OR HAVE BEEN RECEIVED TOO LATE IN THE YEAR FOR HEARING IN THAT YEAR.

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 98 appeals completed in 2017, 37 were settled at or before a hearing. The Court did not, therefore, issue a Determination in those cases. The information below relates to the remaining 61 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2017	2016
Appeal by Employer	26	7
Appeal by Worker(s)	34	31
Appeal by Both	1	0
Total	61	38

<i>Outcome of Appeals</i>	2017	2016
Adjudication Officer decision upheld	24	16
Adjudication Officer decision varied/amended	16	11
Adjudication Officer decision overturned	21	11
Total	61	38

Additionally, 49 cases were withdrawn by parties during 2017.

EQUALITY CASES IN 2017

EQUALITY CASES REFERRED TO THE COURT

NUMBER OF EQUALITY REFERRALS

Category	2017	2016
Appeal of decision of Adjudication Officer	101	103
Appeal of decision of Adjudication Officer re time limit	10	6
Total	111	109

DISCRIMINATORY GROUNDS CITED IN EQUALITY APPEALS REFERRED

In the 111 appeals under 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.

EQUALITY CASES COMPLETED BY THE COURT

SOURCE AND OUTCOME OF APPEAL CASES

THE DIFFERENCE BETWEEN REFERRALS RECEIVED AND CASES COMPLETED ARISES BECAUSE IN ANY GIVEN YEAR A NUMBER OF REFERRALS WILL BE WITHDRAWN, BE ON HOLD BECAUSE THE PARTIES ARE NOT IN A POSITION TO AGREE A DATE FOR A HEARING OR HAVE BEEN RECEIVED TOO LATE IN THE YEAR FOR HEARING IN THAT YEAR.

Of the 53 equality appeal cases completed by the Court in 2017, 18 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 35 cases in which the Court issued a Determination:

<i>Source of Appeals</i>	2017	2016
Worker	25	28
Employer	9	9
Both	1	
Total	35	37

<i>Outcome of Appeals</i>	2017	2016
Adjudication Officer decision upheld	18	17
Adjudication Officer decision overturned	7	7
Adjudication Officer decision varied	10	13
Total	35	37

Additionally, 24 cases were withdrawn by parties during 2017.

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

ORGANISATION OF WORKING TIME CASES IN 2017

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

WORKING TIME CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2017	2016
Appeals of Adjudication Officers decisions	86	85
Complaints that Adjudication Officers decisions were not implemented	9	35
Total	95	120

WORKING TIME CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2017	2016
Appeals of Adjudication Officers decisions	42	69
Complaints that Adjudication Officers decisions were not implemented	3	45
Total	45	114

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 45 appeals completed, 16 were settled at or before a hearing. The Court did not, therefore, issue a Determination in those cases. The information below relates to the remaining 29 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2017	2016
Appeal by Employer	8	12
Appeal by Worker(s)	19	30
Appeal by Both	2	0
Total	29	42

<i>Outcome of Appeals</i>	2017	2016
Adjudication Officer decision upheld	14	17
Adjudication Officer decision varied/amended	11	20
Adjudication Officer decision overturned	4	5
Total	29	42

Additionally, 18 cases were withdrawn by parties during 2017.

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

COLLECTIVE AGREEMENTS

APPROVALS IN 2017

In 2017, the Labour Court did not receive any collective agreement applications under the Organisation of Working Time 1997.

TERMS OF EMPLOYMENT CASES IN 2017

FUNCTIONS OF THE COURT

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

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

TERMS OF EMPLOYMENT CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2017	2016
Appeals of Adjudication Officers decisions	59	71
Total	59	71

TERMS OF EMPLOYMENT CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2017	2016
Appeals of Adjudication Officers decisions	34	46
Total	34	46

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 34 appeals completed in 2017, 5 were settled at or before a hearing. The Court did not, therefore, issue a Determination in those cases. The information below relates to the remaining 29 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2017	2016
Appeal by Employer	4	12
Appeal by Worker(s)	23	20
Appeal by Both	2	0
Total	29	32

<i>Outcome of Appeals</i>	2017	2016
Adjudication Officer decision upheld	17	16
Adjudication Officer decision varied/amended	6	8
Adjudication Officer decision overturned	6	8
Total	29	32

Additionally, 11 cases were withdrawn by parties during 2017.

PAYMENT OF WAGES CASES IN 2017

FUNCTIONS OF THE COURT

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

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

PAYMENT OF WAGES CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2017	2016
Appeals of Adjudication Officers decisions	80	103
Total	80	103

PAYMENT OF WAGES CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2017	2016
Appeals of Adjudication Officers decisions	42	59
Total	42	59

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 42 appeals completed in 2017, 11 were settled at or before a hearing. The Court did not, therefore, issue a Determination in those cases. The information below relates to the 31 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2017	2016
Appeal by Employer	15	10
Appeal by Worker(s)	15	27
Appeal by Both	1	0
Total	31	37

<i>Outcome of Appeals</i>	2017	2016
Adjudication Officer decision upheld	13	21
Adjudication Officer decision varied/amended	9	3
Adjudication Officer decision overturned	9	13
Total	31	37

Additionally, 13 cases were withdrawn by parties during 2017

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) CASES IN 2017

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

FIXED-TERM WORK CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2017	2016
Appeals of Adjudication Officers decisions	11	20
Complaints that Adjudication Officers decisions were not implemented	0	2
Total	11	22

FIXED-TERM WORK CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2017	2016
Appeals of Adjudication Officers decisions	7	12
Complaints that Adjudication Officers decisions were not implemented	0	3
Total	7	15

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 7 appeals completed by the Court, 2 were settled before or at a hearing. The Court did not issue a Determination in those 2 cases. The information below relates to the 5 cases in which the Court issued a Determination.

Source of Appeals	2017	2016
Appeal by Employer	1	1
Appeal by Worker(s)	4	9
Appeal by Both	0	0
Total	5	10

Outcome of Appeals	2017	2016
Adjudication Officer decision upheld	3	5
Adjudication Officer decision varied/amended	0	1
Adjudication Officer decision set aside	2	4
Total	5	10

Additionally, one case was withdrawn by parties during 2017.

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 2017

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

SAFETY, HEALTH AND WELFARE CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2017	2016
Appeals of Adjudication Officers decisions	11	13
Complaints that Adjudication Officers decisions not implemented	1	1
Total	12	14

SAFETY, HEALTH AND WELFARE CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2017	2016
Appeals of Adjudication Officers decisions	6	11
Complaints that Adjudication Officers decisions were not implemented	1	0
Total	7	11

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 7 appeals completed, 1 was 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	2017
Appeal by Employer	0	0
Appeal by Worker(s)	6	3
Appeal by Both	0	3
Total	6	6

<i>Outcome of Appeals</i>	2017	2016
Adjudication Officer decision upheld	1	6
Adjudication Officer decision varied/amended	0	0
Adjudication Officer decision overturned	5	0
Total	6	6

Additionally, one case was withdrawn by parties during 2017.

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 2017

FUNCTIONS OF THE COURT

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

- to determine Appeals of Adjudication Officers decisions under the Act;
- to determine complaints that Adjudication Officers decisions 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>	2017	2016
Appeals of Adjudication Officers decisions	11	6
Complaints that Adjudication Officers decisions were not implemented	0	6
Total	11	12

MINIMUM WAGE CASES COMPLETED BY COURT IN 2015

<i>Number of Cases Completed by Category</i>	2017	2016
Appeals of Adjudication Officers decisions	2	8
Complaints that Adjudication Officers decisions not implemented	0	8
Total	2	16

APPEALS COMPLETED - SOURCE AND OUTCOME

The information below relates to the 2 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2017	2016
Appeal by Employer	0	1
Appeal by Worker(s)	2	5
Total	2	6

<i>Outcome of Appeals</i>	2017	2016
Adjudication Officer decision upheld	2	3
Adjudication Officer decision varied/amended	0	3
Adjudication Officer decision overturned	0	0
Total	2	6

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

PROTECTION OF EMPLOYEES (PART-TIME WORK) CASES IN 2017

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 Adjudication Officers decisions under the Act;
- to determine complaints that Adjudication Officers decisions 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 2017.

PART-TIME WORK CASES REFERRED TO THE COURT IN 2016

<i>Number and Categories of Referrals Received</i>	2017	2016
Appeals of Adjudication Officers decisions	2	8
Complaints that Adjudication Officers decisions were not implemented	0	0
Total	2	8

PART-TIME WORK CASES COMPLETED BY THE COURT IN 2016

<i>Number of Cases Completed by Category</i>	2017	2016
Appeals of Adjudication Officers decisions	3	4
Complaints that Adjudication Officers decisions were not implemented	0	1
Total	3	5

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 3 appeals completed, none were settled at or before a hearing. The Court declined jurisdiction in none of the cases. The information below relates to the 3 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2017	2016
Appeal by Employer	0	0
Appeal by Worker(s)	3	1
Total	3	1

<i>Outcome of Appeals</i>	2017	2016
Adjudication Officer decision upheld	2	1
Adjudication Officer decision varied/amended	0	0
Adjudication Officer decision overturned	1	0
Total	3	1

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

REDUNDANCY PAYMENTS CASES IN 2017

FUNCTIONS OF THE COURT

The functions of the Labour Court under the Redundancy Payments Act 1964-2014 are:-

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

REDUNDANCY PAYMENTS CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2017	2016
Appeals of Adjudication Officers decisions	34	17
Total	34	17

REDUNDANCY PAYMENTS CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2017	2016
Appeals of Adjudication Officers decisions	22	4
Total	22	4

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 22 appeals completed in 2017, 6 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 15 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2017	2016
Appeal by Employer	6	4
Appeal by Worker(s)	10	0
Appeal by Both	0	0
Total	16	4

<i>Outcome of Appeals</i>	2017	2016
Adjudication Officer decision upheld	7	4
Adjudication Officer decision varied/amended	0	0
Adjudication Officer decision Overturned	9	0
Total	16	4

Additionally, 11 cases were withdrawn by parties during 2017.

MINIMUM NOTICE AND TERMS OF EMPLOYMENT CASES IN 2017

FUNCTIONS OF THE COURT

The functions of the Labour Court under the Minimum Notice & Terms of Employment Acts 1973 to 2005 are:-

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

MINIMUM NOTICE AND TERMS OF EMPLOYMENT CASES REFERRED TO THE COURT

<i>Number and Categories of Referrals Received</i>	2017	2016
Appeals of Adjudication Officers decisions	28	23
Total	28	23

MINIMUM NOTICE AND TERMS OF EMPLOYMENT CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2017	2016
Appeals of Adjudication Officers decisions	21	3
Total	21	3

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 21 appeals completed in 2017, 10 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 cases. The information below relates to the 10 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2017	2016
Appeal by Employer	3	1
Appeal by Worker(s)	8	2
Appeal by Both	0	0
Total	11	3

<i>Outcome of Appeals</i>	2017	2016
Adjudication Officer decision upheld	5	1
Adjudication Officer decision varied/amended	1	0
Adjudication Officer decision Overturned	4	0
Total	10	1

Additionally, 5 cases were withdrawn by parties during 2017

OTHER APPEAL CASES REFERRED TO THE COURT IN 2017

<i>Number and Categories of Referrals</i>	2017	2016
EC (Protection of Employees on Transfer of Undertakings) Regulations 2003	37	25
European Communities Organisation of Working Time of Persons Performing Mobile Road Transport Activities Regulations 2012	12	7
Protected Disclosures Criminal Justice Act	11	4
Appeal of Compliance Notice	4	2
Protection of Employees (Temporary Agency Work) Act 2012	3	1
European Communities (Protection of Employment) Regulations 2000	2	2
Part-Time Work	2	8
Maternity Protection Acts 1994	1	4
Protection of Employees (Employers Insolvency) Acts	1	0
Parental Leave Acts 1998 to 2006	1	2
Pensions Act 1990	1	0
Competition Acts 2002 to 2014	0	2
Dismissal of Claim by Adjudication Officer	0	2
Prevention of Corruption Amendment Act 2001	0	2
Criminal Justice Act 2011	0	1
Health Act, 2004 (Appeal against Rights Commissioner's Decision under this Act)	0	0
Employees Provision of Information and Consultation Act 2006	0	2

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

OTHER APPEAL CASES COMPLETED BY THE COURT IN 2017

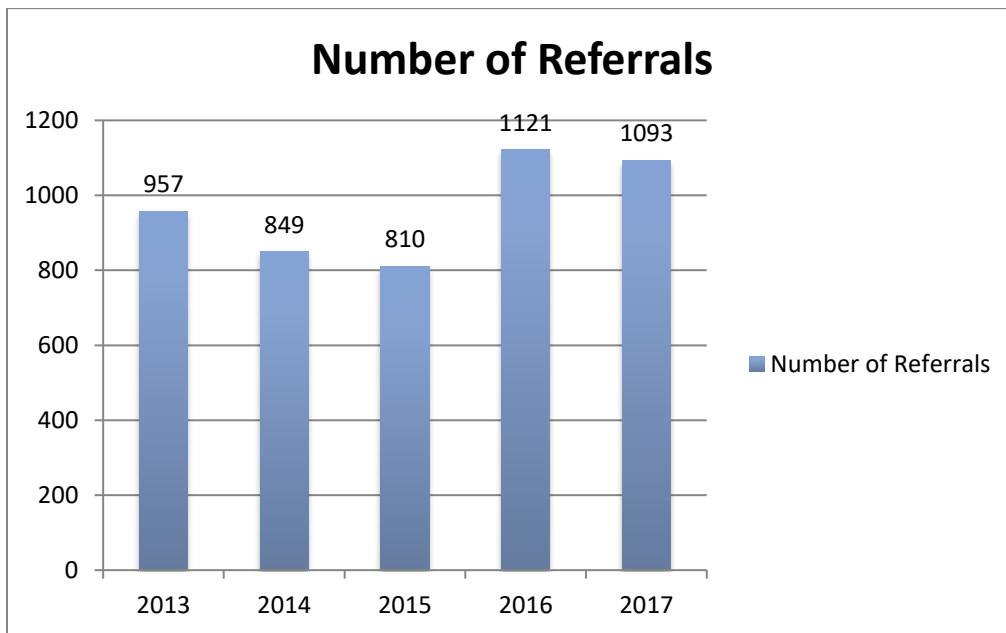
Number of Cases Completed - by Category	2017	2016
EC (Protection of Employees on Transfer of Undertakings) Regulations 2003	18	16
Protected Disclosures Act 2014	5	3
European Communities Organisation of Working Time of Persons Performing Mobile Road Transport Activities Regulations 2012	3	8
Part-Time Work	3	5
Appeal of Compliance Notice	2	0
Maternity Protection Act 1994	1	3
Employees Provision of Information and Consultation Act 2006	1	2
Protection of Employees (Temporary Agency Work) Act 2012	1	2
Prevention of Corruption Amendment Act 2001	0	4
Competition Acts 2002 to 2014	0	2
European Communities (Protection of Employment) Regulations 2000	0	2
Pensions Act 1990 (Case referred to Court outside time limit)	0	1
Criminal Justice Act 2011	0	1
Health Act, 2004	0	0

Additionally, 43 cases were withdrawn by parties during 2017.

Full details of Cases Completed under various enactments are set out in Appendix 2

DISPUTE REFERRALS: FIVE YEAR TREND 2013 – 2017

REFERRALS OF EMPLOYMENT DISPUTES



INDUSTRIAL RELATIONS CLIMATE IN 2017

The number of days lost due to industrial disputes in 2017 was 50,191 compared with 71,647 in 2016. Two industrial disputes in the *Transport and storage* sector accounted for 76% of the days lost in 2017, with 37,915 of the 50,191 total days lost. There were 10 industrial disputes in 2017, affecting 9,456 workers.

INDUSTRIAL DISPUTES: LAST 5 YEARS

Category	2017	2016	2015	2014	2013
No. of Disputes	10	10	9	11	12
No. of Firms	* n/a	10	9	11	12
No. of Workers	9,456	29,372	37,760	31,665	11,924
No. of Days Lost	50,191	71,647	32,964	44,015	14,965

** The total number of firms involved in industrial disputes in 2017 is not available as the CSO was unable to establish the number of firms involved in one industrial dispute in the Construction sector in Q2 and Q3 2017.*

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. The following Joint Labour Committees are in existence:

- Agricultural Workers;
- Catering (excluding Dublin City and Dun Laoghaire);
- Catering (Dublin City and Dun Laoghaire);
- Contract Cleaning;
- Hairdressing;
- Hotels;
- Retail, Grocery and Allied Trades;
- Security Industry.

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 Business, Enterprise and Innovation makes a statutory instrument (S.I) confirming the terms of the ERO if he is satisfied that the statutory conditions provided for in the Industrial Relations (Amendment) Act 2012 have been complied with.

ACTIVITIES IN THIS AREA IN 2017

The Security JLC and the Hairdressing JLC held meetings during 2017 (A total of three meetings were held). An Employment Regulation Order was proposed by the Security Industry JLC, adopted by the Court and signed by the Minister on 30th May 2017; -

- Employment Regulation Order (Security Industry Joint Labour Committee) 2017 (SI No. 231 of 2017).

The Order came into effect from 1 June 2017. Employers covered by an ERO are obliged to pay wage rates and provide conditions of employment not less favorable than those prescribed. Any breaches of an Employment Regulation Order may be referred to the Workplace Relations Commission for appropriate action.

OTHER ACTIVITIES

The number of applications for the registration of learners in the Hairdressing trade, which registration is managed by the Labour Court, was 99 in 2017.

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 2017, 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 2017

The Joint Industrial Council for the Construction Industry held six meetings in 2017.

‘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 six meetings of the State Industrial Employees Joint Industrial Council and three meetings of the Electrical Contracting Industry Joint Industrial Council during 2017.

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.

REGISTRATIONS IN 2017

One employment agreement was registered in 2017 between Freshways Food Company and SIPTU. Details of employment agreements registered are available to view on the Register of Employment Agreements: http://workplacerelements.ie/en/WR_Bodies/Labour_Court/Registers/

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 it applies.

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 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.
- (the trade union of workers and the organisation of employers must be substantially representative of the workers and employers in the sector to which the application relates).

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

SECTORAL EMPLOYMENT ORDERS IN 2017

Two applications for Sectoral Employment Orders were received in 2017. One application was withdrawn and the Court made recommendations to the Minister in two other cases, one of which had been received in 2016.

The SEO application, which was submitted to the Labour Court at end 2016 related to the Construction Sector. It was considered by the Labour Court and the Court made a recommendation to the Minister. The Minister accepted the recommendation and signed the SEO on the 19th October 2017. <http://www.irishstatutebook.ie/eli/2017/si/455/made/en/print>

An application for an SEO for the Mechanical Engineering Building Services Contracting was submitted to the Labour Court during 2017. It was considered by the Court and a recommendation was made to the Minister at the end of 2017. The Minister accepted the recommendation and signed the SEO on 6th March 2018. <http://www.irishstatutebook.ie/eli/2018/si/59/made/en/print>

FINANCIAL MANAGEMENT

The Labour Court is funded by the Exchequer, through the Department of Business, Enterprise and Innovation. Expenditure totalling €2,587m was incurred by the Court during 2017. This comprised €2,262m in respect of pay and €0.325m 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 2017.

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 2017 the Labour Court prepared a Memorandum of Understanding (MOU) with its parent Department (Department of Business, 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.

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THE LABOUR COURT

ANNUAL REPORT 2017 APPENDICES

APPENDIX 1
REFERRALS RECEIVED IN 2017

Section /Act /Application	2017	2016
<i>Industrial Relations</i>		
Section 13(9), Industrial Relations Act, 1969 (Appeal against Adjudication Officer's Recommendation)	143	160
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the WRC)	154	145
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers - advance acceptance of Recommendation)	82	86
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties - advance acceptance of Recommendation)	1	5
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	4
Section 26(5), Industrial Relations Act, 1990 (Cases referred to the Court in exceptional circumstances)	0	1
Section 10(1), Industrial Relations (Misc. Prov.) Act, 2004 (Appeal against Adjudication Officer's Decision – re victimisation)	1	1
<i>Total Industrial Relations Cases</i>	382	402
<i>Equality</i>		
Section 83, Employment Equality Act, 1998 (Appeal against decision of Adjudication Officer)	101	103
Section 77(12), Employment Equality Act, 1998 (Appeal against Adjudication Officer's decision - time limit)	10	6
<i>Total Equality Cases</i>	111	109

Section /Act /Application	2017	2016
<i>Unfair Dismissals Acts</i>		
Section 8A Unfair Dismissals Acts 1977 to 2015	195	164
<i>Total Unfair Dismissals Acts cases</i>	195	164
<i>Organisation of Working Time</i>		
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against Adjudication Officer's decision)	86	85
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Adjudication Officer's decision was not implemented)	9	35
<i>Total Organisation of Working Time cases</i>	95	120
<i>Payment of Wages Act</i>		
Section 7(1) Payment of Wages Act, 1991	80	103
<i>Total Payment of Wages Act cases</i>	80	103
<i>Terms of Employment (Information) Acts</i>		
Section 8 (1) Terms of Employment (Information) Act 1994-2012,	59	71
<i>Total Terms of Employment (Information) Act cases</i>	59	71
<i>Protection of Employees on Transfer of Undertakings</i>		
Section 11 (1) EC (Protection of Employees on Transfer of Undertakings) Regulations 2003	37	25
<i>Total Transfer of Undertakings cases</i>	37	25
<i>Redundancy Payments Acts</i>		
Redundancy Payments Act 1967 to 2014	34	17
<i>Total Redundancy Payments Act cases</i>	34	17
<i>Minimum Notice & Terms of Employment Acts</i>		
Minimum Notice & Terms of Employment Acts 1973 to 2005	28	23
<i>Total Minimum Notice & Terms of Employment Acts cases</i>	28	23

Section /Act /Application	2017	2016
<i>Protected Disclosures Criminal Justice Act</i>		
Section 12(2) Protected Disclosures	11	4
<i>Total Protected Disclosure Criminal Justice Act</i>	<i>11</i>	<i>4</i>
<i>National Minimum Wage</i>		
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of an Adjudication Officer)	11	6
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Adjudication Officer's decision was not implemented)	0	6
<i>Total National Minimum Wage cases</i>	<i>11</i>	<i>12</i>
<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)	2	8
Section 17(8) Protection of Employees (Part-time Work) Act, 2001 (Complaint that Adjudication Officer's decision was not implemented)	0	0
<i>Total Part-time Work cases</i>	<i>2</i>	<i>8</i>
<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)	11	20
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Adjudication Officer's decision was not implemented)	0	2
<i>Total Fixed Term Work cases</i>	<i>11</i>	<i>22</i>

Section /Act /Application	2017	2016
Safety, Health and Welfare at Work		
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of an Adjudication Officer)	11	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	12	14
Road Transport		
Section 19, European Communities (Road Transport) (Organisation Of Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012	12	7
Section 20, European Communities (Road Transport) (Organisation Of Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012	0	0
Total Road Transport	12	7
All other Cases received by the Court in 2017		
Section 28 Workplace Relations Act 2015 - Appeal of Compliance Notice	4	2
Protection of Employees (Temporary Agency Work) Act 2012	3	1
Section 33 (1) Maternity Protection Act 1994	1	4
European Communities (Protection of Employment) Regulations 2000	2	2
Section 19 (1) Parental Leave Acts 1998 and 2006	1	2
Protection of Employees (Employers' Insolvency) Acts 1984 to 2012	1	0
Section 81(1), Pensions Act 1990	1	0
Competition Acts 2002 to 2014	0	2
Section 42 Workplace Relations Act 2015 - Dismissal of Claim by Adjudication Officer	0	2
Section 8A(5) Prevention of Corruption Amendment Act, 2001	0	2
Section 20(2) Criminal Justice Act, 2011	0	1

Section /Act /Application	2017	2016
Employees (Provision of Information and Consultation) Act, 2006	0	2
Health Act, 2004	0	0
TOTAL REFERRALS RECEIVED	1093	1121

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>	2017	2016
<i>Industrial Relations</i>		
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	137	140
Section 13(9), Industrial Relations Act, 1969 (Appeal against an Adjudication Officer's Recommendation)	116	101
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers- advance acceptance of Recommendation)	58	88
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties- advance acceptance of Recommendation)	1	4
Section 10(1), Industrial Relations (Miscellaneous Provisions) Act, 2004 (Appeal against decision of an Adjudication Officer)	2	0
Section 26(5), Industrial Relations Act, 1990 (Cases referred to the Court in exceptional circumstances)	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)	2	1
<i>Total Industrial Relations Cases</i>	316	335
<i>Unfair Dismissals Acts</i>		
Section 8A Unfair Dismissals Acts 1977 to 2015	98	47
<i>Total Unfair Dismissals Acts cases</i>	98	47

<i>Section / Act / Application</i>	2017	2016
<i>Equality</i>		
Section 83, Employment Equality Act, 1998 (Appeal against decision of an Adjudication Officer)	50	46
Section 77(12), Employment Equality Act, 1998 (Appeal against decision of an Adjudication Officer - time limit)	3	3
Section 77(2), Employment Equality Act, 1998 (Cases re dismissal arising from discrimination or victimisation)	0	0
Section 77A(2)(a), Employment Equality Acts, 1998 to 2008	0	0
<i>Total Equality Cases</i>	53	49
<i>Organisation of Working Time</i>		
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against an Adjudication Officer's decision)	42	69
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Adjudication Officer's decision was not implemented)	3	45
<i>Total Organisation of Working Time Cases</i>	45	114
<i>Payment of Wages Act</i>		
Section 7(1) Payment of Wages Act, 1991	42	59
<i>Total Payment of Wages Act cases</i>	42	59
<i>Terms of Employment (Information) Acts</i>		
Section 8 (1) Terms of Employment (Information) Act 1994-2012,	34	46
<i>Total Terms of Employment (Information) Act cases</i>	34	46

<i>Section / Act / Application</i>	2017	2016
<i>Redundancy Payments Acts</i>		
Redundancy Payments Act 1967 to 2014	22	4
<i>Total Redundancy Payments Act cases</i>	22	4
<i>Minimum Notice & Terms of Employment Acts</i>		
Minimum Notice & Terms of Employment Acts 1973 to 2005	21	3
<i>Total Minimum Notice & Terms of Employment Acts cases</i>	21	3
<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)	7	12
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Adjudication Officer's decision was not implemented)	0	3
<i>Total Fixed Term Work Cases</i>	7	15
<i>Employee Safety, Health & Welfare</i>		
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of an Adjudication Officer)	6	11
Section 29(8) Safety, Health and Welfare at Work Act, 2005 (Complaint by employee that Adjudication Officer's Decision has not been implemented)	1	0
<i>Total Safety, Health & Welfare Cases</i>	7	11
<i>National Minimum Wage</i>		
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of an Adjudication Officer)	2	8
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Adjudication Officer's decision was not implemented)	0	8
<i>Total National Minimum Wage Cases</i>	2	16

<i>Section / Act / Application</i>	2017	2016
<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)	3	4
Section 17(8) Protection of Employees (Part-time Work) Act, 2001 (Complaint that Adjudication Officer's decision was not implemented)	0	1
<i>Total Part-time Work Cases</i>	3	5
<i>Temporary Agency Work</i>		
Section 25(2) Protection of Employees (Temporary Agency Work) Act 2012	1	2
Section 25(3) Protection of Employees (Temporary Agency Work) Act 2012	0	0
<i>Total Temporary Agency Work cases</i>	1	2
<i>Road Transport</i>		
Section 19, European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations, 2012	3	8
Section 20, European Communities (Road Transport) (Organisation of Working Time of Persons Performing Mobile Road Transport Activities) Regulations, 2012	0	0
<i>Total Road Transport</i>	3	8

<i>Section / Act / Application</i>	2017	2016
<i>All other Cases Completed by the Court in 2016</i>		
Section 8A(5) Prevention of Corruption Amendment Act, 2001	0	4
Section 33(1) Maternity Protection Act 1994	1	3
Section 12(2) Protected Disclosures Act, 2014	5	3
Section 15 Employees (Provision of Information and Consultation) Act, 2006	1	2
Section 28 (7) Appeal of Compliance Notice	2	0
Section 19 (1) Parental Leave Acts, 1998 and 2006	0	0
Competition Acts 2002 to 2014	1	2
European Communities (Protection of Employment) Regulations 2000	0	2
Section 20(2) Criminal Justice Act, 2011	0	1
Section 81 (1) Pensions Act 1990	0	1
Section 55M(15) Health Act, 2004	0	0
Section 11 (1) EC (Protection of Employees on Transfer of Undertakings) Regulations 2003	18	16
<i>TOTAL CASES COMPLETED*</i>	682	748

* Additionally, 202 cases were withdrawn by parties during 2017 compared with 175 in 2016. A further balance of cases was on hold or in the process of scheduling at year end.

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 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 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 should represent a reasonable resolution of the issue(s) in dispute. The Recommendation is not binding on the parties but parties are expected to give serious and proper consideration to the Recommendation of the 'Court of last resort' which they had earlier sought.

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, the Labour Court 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 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.

(the trade union of workers and the organisation of employers must be substantially representative of the workers and employers in the sector to which the application relates).

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

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.

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 Business, 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 both Houses of the Oireachtas and can be annulled by resolution of either House.

- Codes of Practice

The Industrial Relations Act 1990 makes provision for the preparation by the 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.

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.

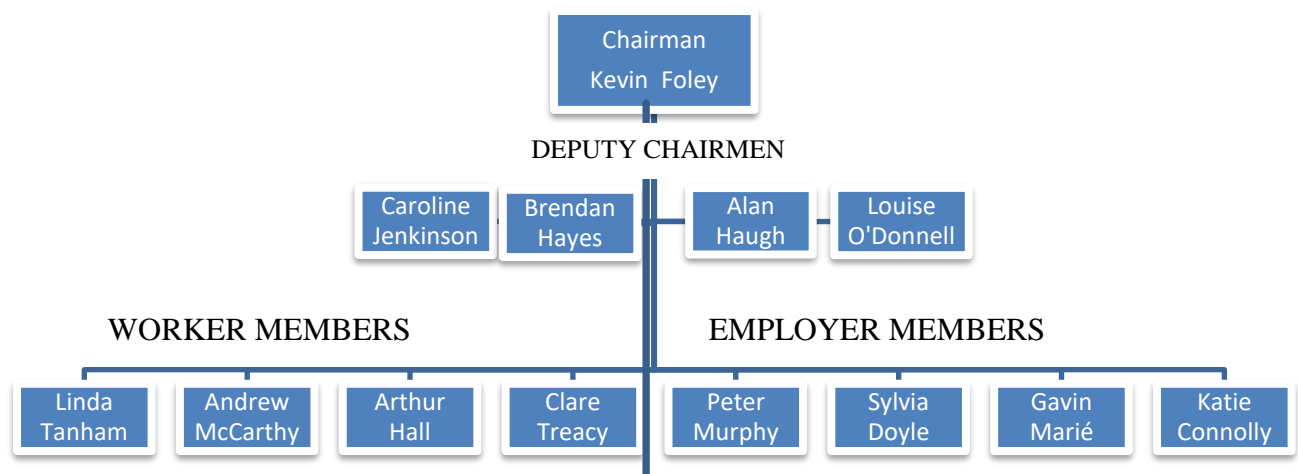
The Court also approves working time agreements under the Organisation of Working Time Act, 1997 and collective agreements regarding casual part-time employees under the Protection of Employees (Part-Time Work) Act, 2001.

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.

APPENDIX 5

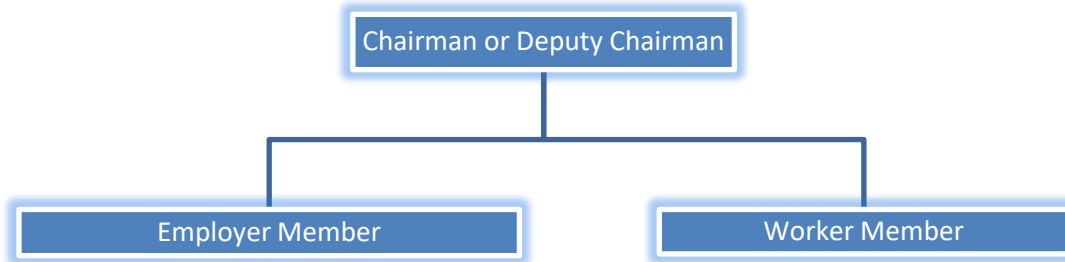
Structure of the Labour Court

THE LABOUR COURT CONSISTS OF 13 FULL-TIME MEMBERS - A CHAIRMAN, 4 DEPUTY CHAIRMEN, AND 8 ORDINARY MEMBERS, 4 OF WHOM ARE EMPLOYER MEMBERS AND 4 OF WHOM ARE WORKER MEMBERS.



Labour Court Hearing

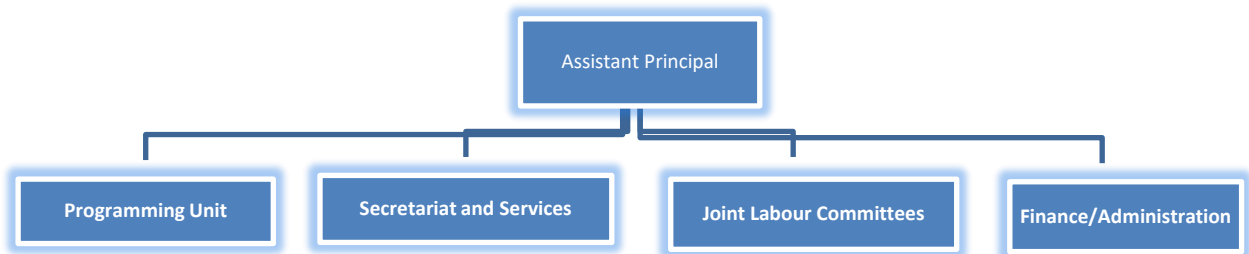
Each hearing of the Court is taken by a Division of the Court consisting of the Chairman or a Deputy Chairman of the Court, a Worker Member and an Employer Member.



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 Business, 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.workplacerelements.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 2017

Financial Report for 2017	€
Pay:	2,261,668
Non-pay:	325,073
TOTAL	2,586,741

Main areas of non-pay expenditure	€
Post/Telephones	83,259
Office Equipment & Supplies	23,881
Office Premises	67,277

Expenditure on hearings held in locations outside the Labour Court's headquarters gave rise to expenditure of €90,380.

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 Business, Enterprise & Innovation.

APPENDIX 8

Labour Court Work Programme for 2017 Key Actions and Performance Indicators

Action	Performance in 2017
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
Continued professional development programme for Court Members	5 conferences were attended by members in 2017 including attendance by the Chairman at the European Labour Court Judges meeting In-house seminars were held on a monthly basis
Provide secretariat to JLCs	Secretariat provided as required in 2017
The effective and efficient receipt of and deciding on proposals for, and applications to vary or cancel EROs	<p>One ERO submitted to the Labour Court during 2017 and signed by the Minister in 2017 (Security Sector SI 231 of 2017) 30th May 2017.</p> <p>Targets met for publishing proposals from JLC</p> <p>Secretariat provided as required in 2017</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 2017</p> <p>Secretariat provided as required</p>

Action	Performance in 2017
The effective and efficient receipt of and deciding on proposals to register, vary or review employment agreements	One Registered Employment Agreement in 2017 between Freshways Food Co. & SIPTU
The effective and efficient processing of applications to examine terms and conditions of employment in a sector	<p>Two applications were received in 2017 in respect of Sectoral Employment Orders. One application was withdrawn and the Court made recommendations to the Minister in two other cases, one of which had been received in 2016.</p> <p>One SEO submitted to the Labour Court during 2016 and signed by the Minister in 2017 (Construction Sector SI 455 of 2017) 19th October 2017.</p> <p>One SEO submitted to the Labour Court during 2017 and signed by the Minister in 2018 (Mechanical Engineering Building Services Contracting Sector SI 59 of 2018) 6th March 2018.</p>
Manage scheme of registration of hairdressing apprentices	Target met for registration of apprenticeships and issuing of confirmation letters to prospective emigrants
Work in liaison with the WRC to progress ongoing reforms post enactment of the Workplace Relations Act 2015.	Attended all meetings with WRC to progress re-design of the Workplace Relations website.