



AN CHÚIRT OIBREACHAIS

THE LABOUR COURT

ANNUAL REPORT

2015



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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 2015 (June 2016)

Highlights

The most important event affecting the court during the year under review was undoubtedly the passing into law of the Workplace Relations Act 2015, which was commenced by Ministerial Order on 1st October 2015. This Act will result in profound change in the Court's caseload and in the profile of cases with which it deals. That will arise from the designation of the Court as the sole appellate tribunal in all equality and employment rights cases dealt with at first instance by Adjudication Officers of the Workplace Relations Commission. In order to meet the new demands that these changes will place on the Court's services a fourth division was created in November 2015 and an additional Deputy Chairman was appointed. The membership of the Court now comprises a Chairman, four Deputy Chairmen and eight Ordinary Members.

Throughout 2015 a significant amount of preparatory work was undertaken in anticipation of these changes. Members of the Court undertook extensive training so as to familiarise themselves with the legislation in respect of which appellate jurisdiction will in future be exercised by the Court. New procedures have also been developed to ensure that the expanded caseload of the Court is effectively managed so as to ensure that cases are programmed and decisions issued within a predetermined timeframe. New procedural rules were prepared, adopted and put in place in relation to the filing of submissions by parties and the timeframe within which they are to be filed. Those Rules, entitled the Labour Court, (Employment Enactments) Rules 2015, are published on the Labour Court web site which can be accessed at **www.workplacerelations.ie**.

Changes affecting the Court have also come about in consequence of the enactment of the Industrial Relations (Amendment) Act 2015 which also commenced in October 2015. The principal changes under that legislation arise from the reinstatement of the Court's statutory authority to register employment agreements, although in a much modified form, and certain functions in relation to the enforcement and interpretation of Registered Agreements. The Act also assigned to the Court statutory responsibility for the making of proposals to the Minister in respect to Sectoral Employment Orders.

The Industrial Relations (Amendment) Act 2001 was also extensively amended so as to clarify and enhance the Court's jurisdiction to investigate disputes in employments in which it is not the practice of the employer to engage in collective bargaining. In its amended form this legislation is likely to be relied upon by trade unions with greater frequency than hitherto. This will also result in an expansion of the Court's workload in the years ahead.

Timescale for Hearings

The average timescale for hearings in Dublin is 13 weeks from the date of referral. Outside Dublin it is currently 16 weeks from date of referral. Delays, where they occur, are often caused by adjournments and the Court has adopted a policy of only postponing cases in the most exceptional of circumstances.

The Court operates to a target of issuing recommendations in Industrial Relations cases within three weeks of the hearing and within 6 weeks in employment rights cases. These targets are met in 85% of cases. Notwithstanding the anticipated increase in its workload in 2016 and beyond, the Court intends to continue to work toward maintaining these target timescales.

Number of Referrals

In 2015 the Court received 810 referrals under the various statutes within its jurisdiction. This compares to 849 received in 2014. This shows a continuation of the decline in the number of referrals which has been experienced in recent years. In the main this decrease is accounted for by the reduced number of referrals received under the Industrial Relations Acts 1946-2015. Of the number of referrals received 50.7% were in respect of industrial relations disputes and 49.3% were in appeals under various employment rights statutes.

Having regard to the expanded jurisdiction conferred on the Court by the Workplace Relations Act 2015 the number of cases that it is likely to receive in 2016 will, at least, double the number received in 2015.

The changes brought about by the Workplace Relations Act 2015 will also impact significantly on the profile of cases coming before the Court. It is estimated that in 2016 and beyond up to

75% of cases will involve appeals from the decision of an Adjudication Officer under various other employment rights enactments, with 25% of cases involving the investigation of trade disputes. However, the Court is acutely conscious of the centrality of its dispute resolution functions and is determined to ensure that the importance of its role in that regard is maintained.

Industrial Relations overview

The industrial relations environment in Ireland remained relatively stable in 2015. There were six disputes involving work stoppages during the year involving nine firms and 37,760 workers. The total number of days lost as a result of these work stoppages during the year was 32,964. This compares to 14 work stoppages resulting in a loss of 44,015 days lost in 2014.

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 Kevin Foley, formally Director of Conciliation at the Labour Relations Commission, and Alan Haugh, Barrister-at-Law, were appointed as Deputy Chairman of the Court. Louise O'Donnell, formally National Officer with IMPACT Trade Union was appointed as a Worker Member and Gavin Marie, formally Head of Employee Relations at the Central Bank of Ireland, was appointed as an Employer Member.

Brenda Ward retired as Administration Manager during the year and was replaced by Mairéad Daly.

Acknowledgement

Finally, I wish to place on record my appreciation of the work and dedication of my colleagues and the staff of the Court, all of whom have contributed to the success of the Court in discharging its statutory mandate. I wish to thank, in particular, our Administrative Manager, Mairead Daly, and her predecessor Brenda Ward, who provide me with invaluable support in managing the administrative affairs of the Court. I also wish to thank the Minister, the Secretary General of the Department of Jobs, Enterprise and Innovation and the officials of the Department for their continued support and assistance during the year.

Kevin Duffy
Chairman

June 2016

MEMBERS OF THE LABOUR COURT IN 2015

Chairman	<i>Kevin Duffy</i>
Deputy Chairmen	<i>Caroline Jenkinson</i> <i>Brendan Hayes</i> <i>Alan Haugh (Sept. 2015)</i> <i>Kevin Foley (Sept. 2015)</i>
Employer Members	<i>Peter Murphy</i> <i>Sylvia Doyle</i> <i>Mary Cryan</i> <i>Gavin Marie (Nov. 2015)</i>
Worker Members	<i>Jerry Shanahan</i> <i>Linda Tanham</i> <i>Andrew McCarthy</i> <i>Louise O' Donnell (Nov. 2015)</i>
Registrar	<i>Hugh O'Neill</i>

HEADLINES 2015

In 2015, the Labour Court

- Received 810 referrals
- Held 613 hearings
- Issued 518 Recommendations / Determinations / Decisions / Orders
- Investigated 110 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 2015



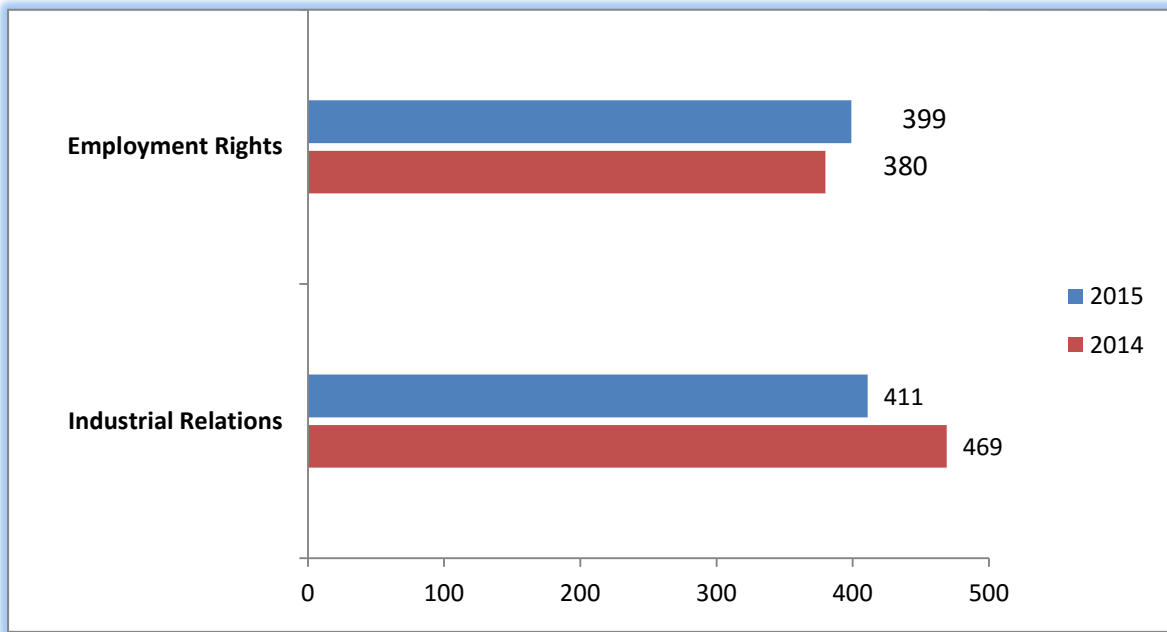
NOTES

Additionally in 2015 there was one collective agreement approved under the Organisation and Working Time Act as well as the adoption of two Employment Regulation Orders for the Contract Cleaning Industry and the Security 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.

From 1st October, 2015, existing Rights Commissioners and Equality Officers became Adjudication Officers. References in this Report to a Rights Commissioner now refer to an Adjudication Officer.

CASES REFERRED TO THE COURT IN 2015



Overall there was a 4.6 % decrease in referrals to the Labour Court in 2015 compared to the previous year (from 849 to 810) with some sub-categories of referrals witnessing more significant change.

Referrals under the Industrial Relations Acts 1946 to 2015 accounted for 50.7% of total referrals. This class of referral showed an overall decrease of 58 or 12% compared to 2014 (411 referrals compared with 469 in 2014).

Referrals under Employment Rights legislation accounted for 49.3% of cases coming to the Court, an increase of 5% compared to 2014. 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	2015	2014
<u>Industrial Relations</u>	411	469
<u>Employment Rights:</u>	399	380
<i>Equality</i>	53	53
<i>Organisation of Working Time</i>	184	182
<i>National Minimum Wage</i>	22	26
<i>Part-Time Work</i>	10	12
<i>Fixed-Term Work</i>	13	41
<i>Safety, Health & Welfare at Work</i>	14	19
<i>Employee Information and Consultation</i>	13	17
<i>Exceptional Collective Redundancies</i>	0	0
<i>Health Act</i>	2	2
<i>Temporary Agency Work</i>	14	13
<i>Criminal Justice Act</i>	3	0
<i>Road Transport</i>	20	14
<i>Payment of Wages</i>	21	0
<i>Terms of Employment</i>	11	0
<i>Unfair Dismissals</i>	14	0
<i>Maternity Protection</i>	1	0
<i>Protection of Employees on Transfer of Undertakings</i>	2	0
<i>Pensions Act</i>	2	1
Total	810	849

PROFILE OF REFERRALS – BY SOURCE

Source	2015	2014
Cases which had earlier involved Labour Relations Commission (total)	650	648
• referrals from Conciliation Service ¹	160	183
• appeal from Rights Commissioner/Adjudication Officer; complaint that decision not implemented	490	465
Appeal against decision of Director of Equality Tribunal	53	53
Direct referrals ²	107	146
Other ³	0	2
Total	810	849

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 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; referrals under Section 2(1) of the Industrial Relations Act 2001 (as amended) where negotiating procedures are not in place;

³ "Other" includes complaints by employers or unions of breaches of Registered Employment Agreements (REAs) referred under Section 32 of the Industrial Relations Act 1946 or Section 10 of the Industrial Relations Act 1969; requests for determinations under Section 6 of the Industrial Relations Act 2001; cases re interpretation of REAs; and referrals under various employment rights provisions.

2015 OVERVIEW – CONTINUED**CASES COMPLETED BY THE COURT IN 2015****PROFILE OF COMPLETED CASES – BY CATEGORY**

CATEGORY	2015	2014
Industrial Relations	338	386
Equality	31	50
Organisation of Working Time	173	145
National Minimum Wage	16	24
Part-Time Work	3	7
Fixed Term Work	19	31
Safety, Health & Welfare at Work	9	8
Employee Information and Consultation	2	8
Health Act	1	0
Exceptional Collective Redundancies	0	0
Road Transport	17	5
Payment of Wages	2	0
Terms of Employment	1	0
Temporary Agency Work	16	8
Total	628	672

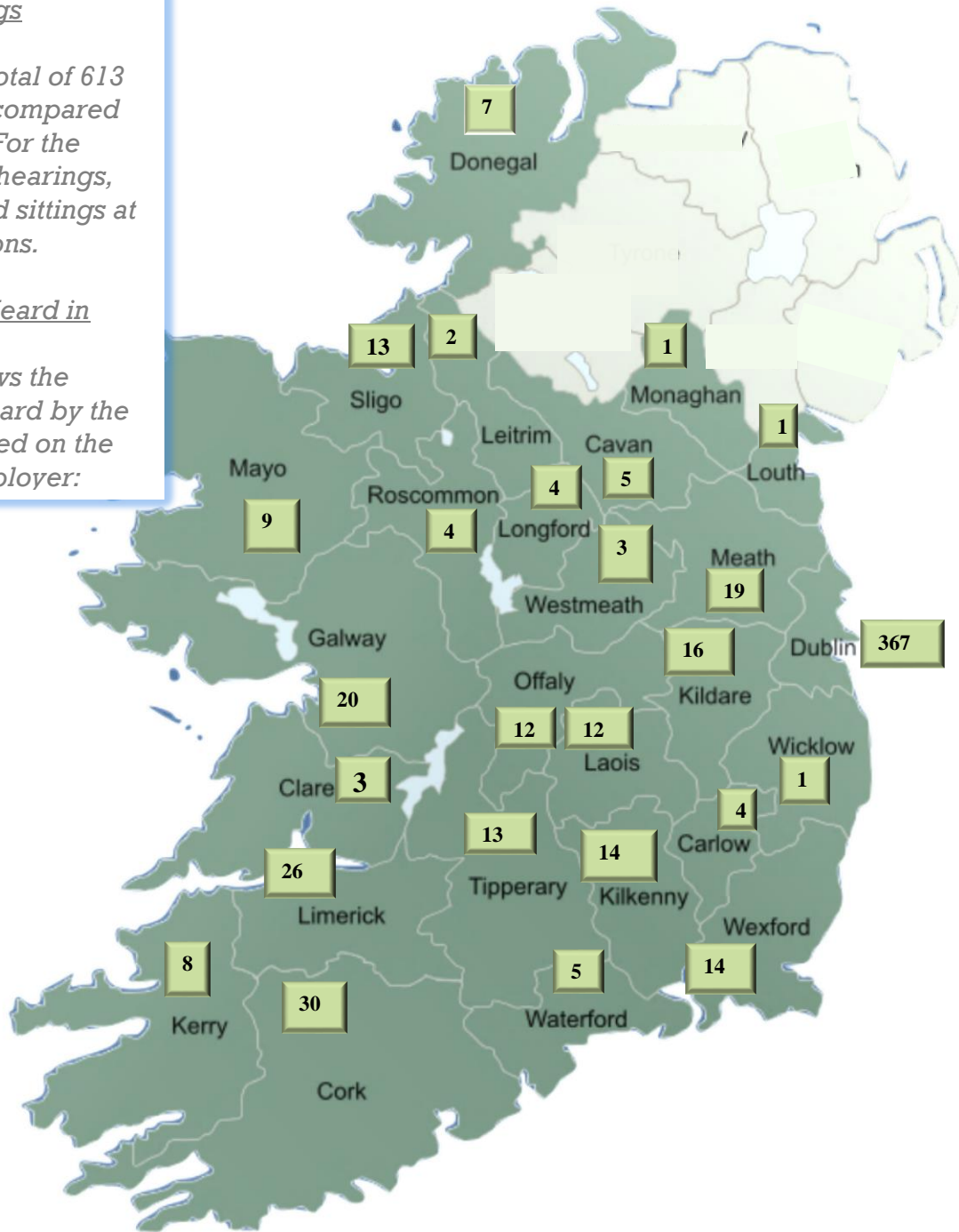
HEARINGS IN 2015

Number of Hearings

The Court held a total of 613 hearings in 2015, compared with 698 in 2014. For the purposes of these hearings, the Court arranged sittings at a total of 13 locations.

Origins of Cases Heard in 2015

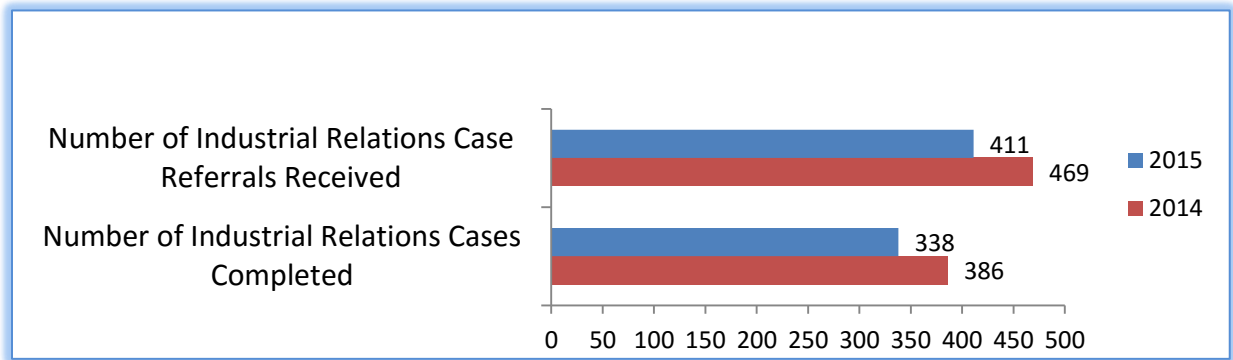
The following shows the origins of cases heard by the Court in 2015, based on the address of the employer:



INDUSTRIAL RELATIONS CASES IN 2015

INDUSTRIAL RELATIONS CASES REFERRED AND COMPLETED BY THE COURT

The number of referrals received under the Industrial Relations Acts 1946-2015 decreased by 12%. While most categories remained fairly constant, there were some exceptions to the 2014 trend.



PROFILE OF INDUSTRIAL RELATIONS CASES RECEIVED

Source	2015	2014	Difference
Referrals from LRC (conciliation)*	160	183	-23
Appeals of Recommendations of Rights Commissioners	144	155	-11
Complaint by employer body of breach of REA	0	0	0
Complaint by union of breach of REA	0	0	0
Direct referral – advance acceptance of Recommendation	107	128	-21
Direct referral where no negotiating procedures in place	0	1	-1
Interpretation of Registered Employment Agreement/ Scope of Joint Labour Committee or of Employment Regulation Order	0	0	0
Interpretation of Pay and Conditions	0	2	-2

* 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 Rights Commissioners in industrial relations cases may be appealed to the Labour Court by either party to a dispute. The Court issued decisions in 92 appeals of such recommendations in 2015; a further 19 cases were settled prior to or at the Labour Court hearing.

SOURCES OF INDUSTRIAL RELATIONS APPEALS

Appeal by	2015	2014
Worker	72	77
Employer	20	25
Both sides	0	1
Total	92	103

OUTCOME OF INDUSTRIAL RELATIONS APPEALS

Outcome of Appeal	2015	2014
Rights Commissioner's recommendation upheld	41	50
Rights Commissioner's recommendation varied/amended	42	46
Rights Commissioner's recommendation overturned	9	7
Total	92	103

EQUALITY CASES IN 2015

EQUALITY CASES REFERRED TO THE COURT

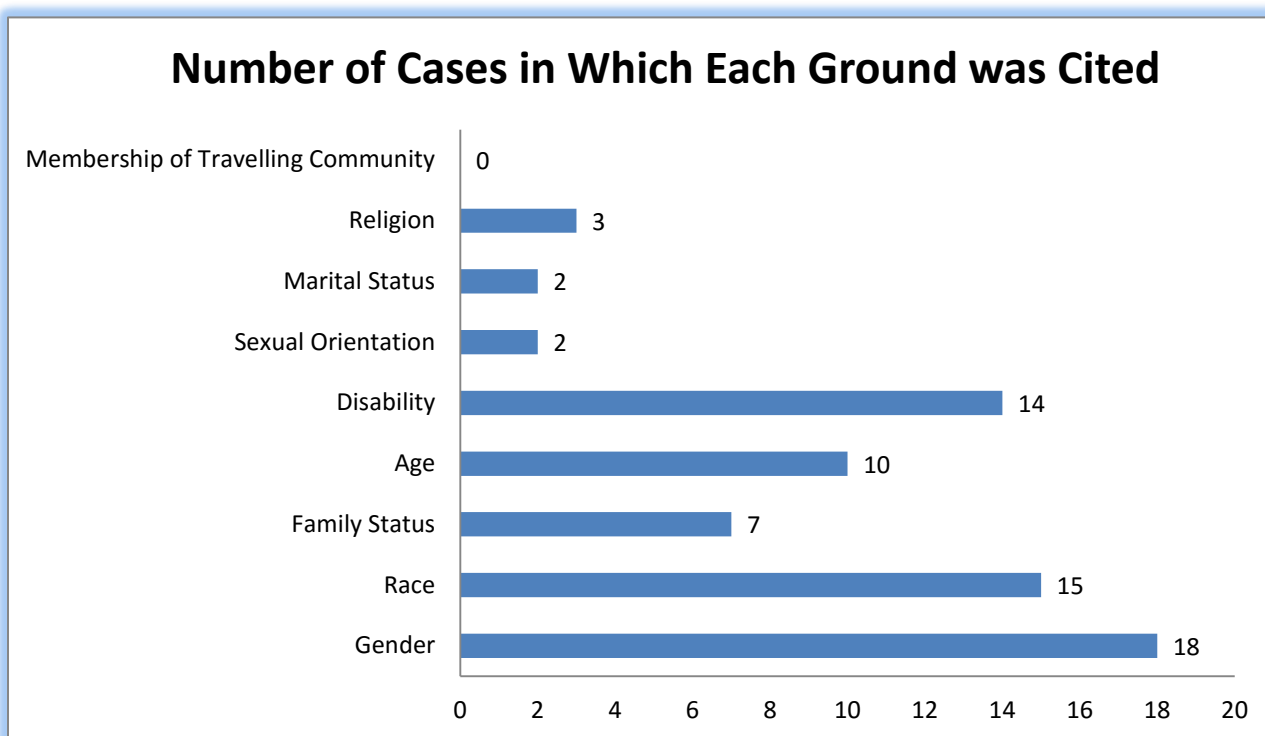
NUMBER OF EQUALITY REFERRALS

Category	2015	2014
Appeal of decision of Director of Equality Tribunal	48	48
Appeal of decision of Director of Equality Tribunal re time limit	5	4
Total	53	52

DISCRIMINATORY GROUNDS CITED IN EQUALITY APPEALS REFERRED

In the 53 appeals under Section 83 of the Employment Equality Acts 1998 to 2012, eight of the nine discriminatory grounds provided for under the legislation were cited. More than one ground was cited in a number of cases.

NUMBER OF CASES IN WHICH EACH GROUND WAS CITED



NUMBER OF GROUNDS CITED PER APPEAL REFERRED TO THE COURT

Single ground cited	45 appeals
Two grounds cited	2 appeals
Three or more grounds cited	6 appeals

In 2015, there were 45 equality cases in which a single ground was cited in appeals of adjudication officer decisions to the Labour Court. Furthermore there were two instances in which two grounds were cited and an additional six cases whereby three or more grounds were cited.

EQUALITY CASES COMPLETED BY THE COURT

SOURCE AND OUTCOME OF APPEAL CASES

Of the 31 equality appeal cases completed by the Court in 2015, 5 were settled at or after hearing and the Court did not, therefore, issue a Determination in those cases. The following shows the source and the outcome of the appeals in the 26 cases in which the Court issued a Determination:

<i>Source of Appeals</i>	2015	2014
Worker	16	34
Employer	10	11
Total	26	45

<i>Outcome of Appeals</i>	2015	2014
Decision of Director of Equality Tribunal affirmed	14	26
Decision of Director overturned	5	6
Decision of Director varied	7	13
Total	26	45

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

ORGANISATION OF WORKING TIME CASES IN 2015

FUNCTIONS OF THE COURT

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

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

COLLECTIVE AGREEMENTS

APPROVALS IN 2015

In 2015, 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>	2015	2014
Appeals of decisions of Rights Commissioners	97	116
Complaints that decisions of Rights Commissioners were not implemented	87	67
Total	184	183

WORKING TIME CASES COMPLETED BY THE COURT

<i>Number of Cases Completed by Category</i>	2015	2014
Appeals of decisions of Rights Commissioners	76	90
Complaints that decisions of Rights Commissioners were not implemented	97	55
Total	173	145

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 76 appeals completed, 21 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 55 cases in which the Court issued a Determination.

<i>Source of Appeals</i>		
	2015	2014
Appeal by Employer	20	22
Appeal by Worker(s)	35	51
Appeal by Both	0	1
Total	55	74

<i>Outcome of Appeals</i>		
	2015	2014
Rights Commissioner decision upheld	15	23
Rights Commissioner decision varied/amended	31	39
Rights Commissioner decision overturned	9	12
Total	55	74

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

NATIONAL MINIMUM WAGE CASES IN 2015

FUNCTIONS OF THE COURT

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

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

MINIMUM WAGE REFERRALS RECEIVED

<i>Number and Categories of Referrals Received</i>	2015	2014
Appeals of decisions of Rights Commissioners	16	21
Complaints that decisions of Rights Commissioners were not implemented	6	5
Total	22	26

MINIMUM WAGE CASES COMPLETED BY COURT IN 2015

<i>Number of Cases Completed by Category</i>	2015	2014
Appeals of decisions of Rights Commissioners	14	19
Complaints that decisions of Rights Commissioners not implemented	2	5
Total	16	24

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 14 appeals completed, 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 8 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2015	2014
Appeal by Employer	2	3
Appeal by Worker(s)	6	13
Total	8	16

<i>Outcome of Appeals</i>	2015	2014
Rights Commissioner decision upheld	3	4
Rights Commissioner decision varied/amended	3	6
Rights Commissioner decision overturned	2	6
Total	8	16

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 2015

FUNCTIONS OF THE COURT

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

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

COLLECTIVE AGREEMENTS

The Labour Court did not receive any application for approval of a collective agreement under this Act in 2015.

PART-TIME WORK CASES REFERRED TO THE COURT IN 2015

<i>Number and Categories of Referrals Received</i>	2015	2014
Appeals of decisions of Rights Commissioners	7	12
Complaints that decisions of Rights Commissioners were not implemented	3	0
Total	10	12

PART-TIME WORK CASES COMPLETED BY THE COURT IN 2015

<i>Number of Cases Completed by Category</i>	2015	2014
Appeals of decisions of Rights Commissioners	3	7
Total	3	7

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 3 appeals completed, 2 were settled at or before a hearing and the Court did not, therefore, issue a Determination in those cases. There were no complaints that Rights Commissioners cases were not implemented. The information below relates to the 1 case in which the Court issued a Determination. There were no cases under this legislation whereby both parties appealed the decision.

<i>Source of Appeals</i>	2015	2014
Appeal by Employer	0	0
Appeal by Worker(s)	1	4
Total	1	4

<i>Outcome of Appeals</i>	2015	2014
Rights Commissioner decision upheld	1	1
Rights Commissioner decision varied/amended	0	2
Rights Commissioner decision overturned	0	1
Total	1	4

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

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) CASES IN 2015

FUNCTIONS OF THE COURT

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

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

FIXED-TERM WORK CASES REFERRED TO THE COURT IN 2015

<i>Number and Categories of Referrals Received</i>	2015	2014
Appeals of decisions of Rights Commissioners	13	39
Complaints that decisions of Rights Commissioners were not implemented	0	2
Total	13	41

FIXED-TERM WORK CASES COMPLETED BY THE COURT IN 2015

<i>Number of Cases Completed by Category</i>	2015	2014
Appeals of decisions of Rights Commissioners	19	29
Complaints that decisions of Rights Commissioners were not implemented	0	2
Total	19	31

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 19 appeals completed by the Court, 4 were settled before or at a hearing and the Court did not issue a Determination in those 4 cases. The information below relates to the 15 cases in which the Court issued a Determination.

Source of appeal	2015	2014
Appeal by Employer	4	6
Appeal by Worker(s)	11	18
Appeal by Both	0	1
Total	15	25

Outcome of appeal	2015	2014
Rights Commissioner decision upheld	12	9
Rights Commissioner decision varied/amended	2	5
Rights Commissioner decision set aside	1	8
Other	0	1
Total	15	23

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 2015

FUNCTIONS OF THE COURT

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

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

SAFETY, HEALTH AND WELFARE CASES REFERRED TO THE COURT IN 2015

<i>Number and Categories of Referrals Received</i>	2015	2014
Appeals of decisions of Rights Commissioners	13	18
Complaints that decisions of Rights Commissioners not implemented	1	1
Total	14	19

SAFETY, HEALTH AND WELFARE CASES COMPLETED BY THE COURT IN 2015

<i>Number of Cases Completed by Category</i>	2015	2014
Appeals of decisions of Rights Commissioners	8	7
Complaints that decisions of Rights Commissioners were not implemented	1	1
Total	9	8

APPEALS COMPLETED - SOURCE AND OUTCOME

Of the 8 appeals completed, 3 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 5 cases in which the Court issued a Determination.

<i>Source of Appeals</i>	2015	2014
Appeal by Employer	2	1
Appeal by Worker(s)	3	3
Appeal by Both	0	0
Total	5	4

<i>Outcome of Appeals</i>	2015	2014
Rights Commissioner decision upheld	4	0
Rights Commissioner decision varied/amended	1	2
Rights Commissioner Decision Overturned	0	2
Total	5	4

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

OTHER APPEAL CASES REFERRED TO THE COURT IN 2015

<i>Number and Categories of Referrals</i>	2015	2014
Health Act, 2004 (Appeal against Rights Commissioner's Decision under this Act)	1	2
Protected disclosure Criminal Justice Act	3	0
Maternity Protection Acts 1994*	1	0
Pensions Act 1990	2	0
EC (Protection of Employees on Transfer of Undertakings) Regulations 2003*	2	0
Employees Provision of Information and Consultation Act 2006	13	17
Protection of Employees (Temporary Agency Work) Act 2012	14	13
Payment of Wages Act 1991*	21	0
Terms of Employment Acts., 1994 to 2012*	11	0
Unfair Dismissals Act 1977 to 2015*	14	0
Organisation of Working Time of Persons Performing Mobile Road Transport Activities Regulations 2012	20	14

*** 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 2015

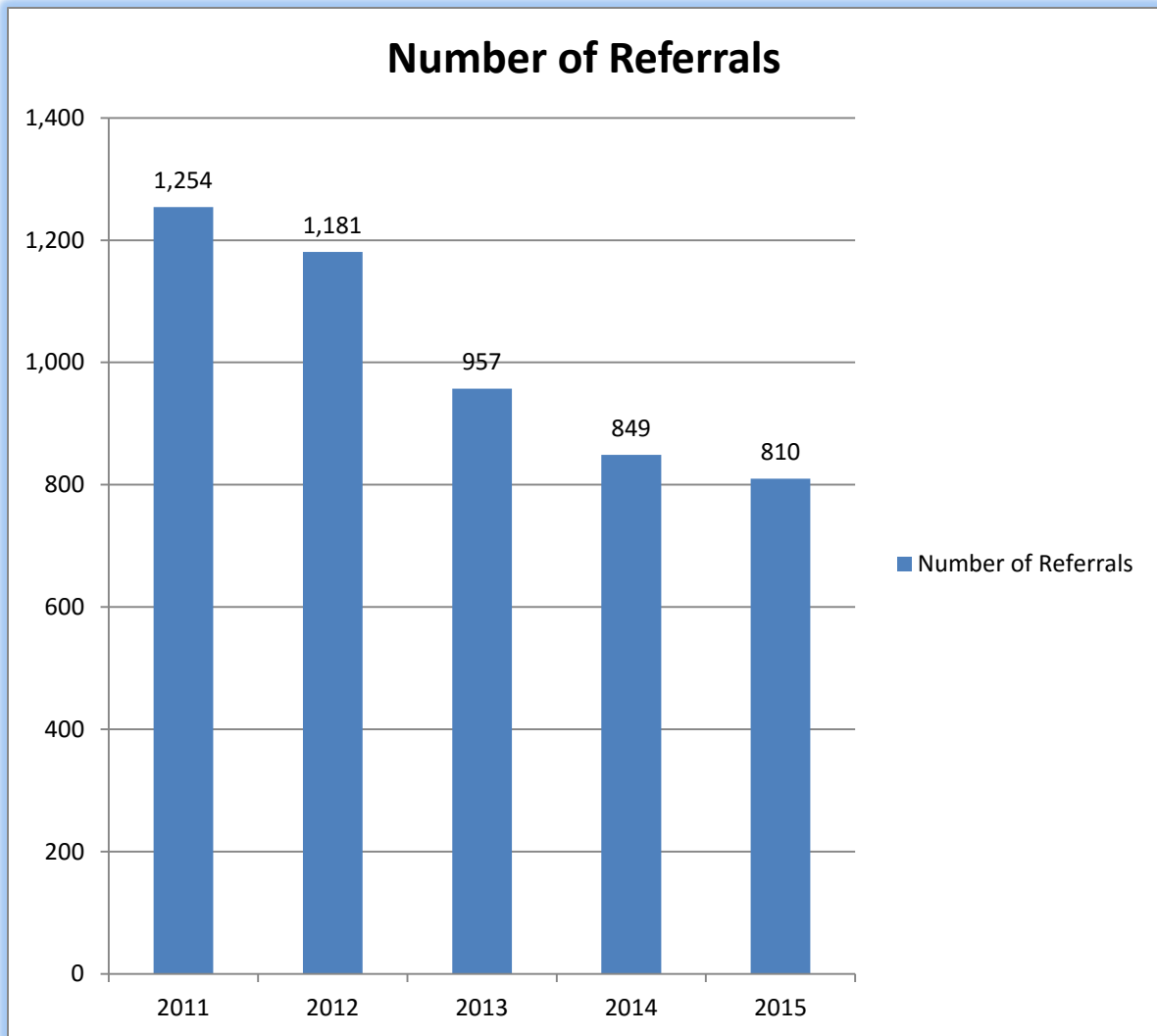
Number of Cases Completed - by Category	2015	2014
Health Act, 2004 (Non Implementation)	1	0
Pensions Act 1990 (Case referred to Court outside time limit)	0	1
Employees Provision of Information and Consultation Act 2006	2	8
Protection of Employees (Temporary Agency Work) Act 2012	16	8
Payment of Wages Act 1991*	2	0
Terms of Employment Acts., 1994 to 2012*	1	0
Unfair Dismissals Act 1977 to 2015*	14	0
Organisation of Working Time of Persons Performing Mobile Road Transport Activities Regulations 2012	17	5

*** 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

DISPUTE REFERRALS: FIVE YEAR TREND 2011 – 2015

REFERRALS OF EMPLOYMENT DISPUTES



INDUSTRIAL RELATIONS CLIMATE IN 2015

The number of days lost due to industrial disputes in 2015 was 32,964 compared with 44,015 for 2014. There were 9 industrial disputes in 2015, affecting 37,760 workers and 9 firms.

INDUSTRIAL DISPUTES: LAST 5 YEARS

Category	2015	2014	2013	2012	2011
No. of Disputes	9	11	12	5	8
No. of Firms	9	11	12	5	8
No. of Workers	37,760	31,665	11,924	1,920	1,384
No. of Days Lost	32,964	44,015	14,965	8,486	3,695

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 (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 an ERO confirming the terms of the ERO if he is satisfied that the statutory conditions have been complied with. Every order made by the Minister must be laid before each House of the Oireachtas and can be annulled by resolution of either House.

ACTIVITIES IN THIS AREA IN 2015

The Security JLC, the Contract Cleaning JLC and the Hairdressing JLC held meetings during 2015 (A total of 15 meetings were held). An Employment Regulation Order was made by the Contract Cleaning JLC and by the Security Industry JLC;-

- Employment Regulation Order (Security Industry Joint Labour Committee) 2015 (SI No. 417 of 2015);
- Employment Regulation Order (Contract Cleaning Joint Labour Committee) 2015 (SI No. 418 of 2015).

Both ERO's came in to legal effect from 1 October, 2015. 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 102 in 2015.

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 2015

Following the commencement of the Industrial Relations (Amendment) Act 2015 no Employment Agreements were registered by the Court up to the December 2015.

The Court expects to see an uptake in Registered Employment Agreements from early 2016 onwards 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 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.

SECTORAL EMPLOYMENT ORDERS IN 2015

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

The Court expects to see an uptake in Sectoral Employment Orders from early 2016 onwards 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 2015, 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 2015

The Joint Industrial Council for the Construction Industry held one meeting in 2015.

‘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 2015.

SUPPORT SERVICES IN 2015

FINANCIAL MANAGEMENT

The Labour Court is funded by the Exchequer, through the Department of Jobs, Enterprise and Innovation. Expenditure totalling € 2.255m was incurred by the Court during 2015. This comprised €1.979m in respect of pay and €0.276m 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 2015.

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 2015 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, which was commenced by Ministerial Order on 1 October 2015, gives 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 provides that the Labour Court is the sole appellate body in all equality and employment rights cases dealt with at first instance by Adjudication Officers of the Workplace Relations Commission.

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

This Act will result in profound change in the Court's caseload and in the profile of cases with which it deals. In order to meet the new demands that these changes will place on the Court's services a fourth division was created in November 2015 and an additional Deputy Chairman was appointed. The membership of the Court now comprises a Chairman, four Deputy Chairmen and eight Ordinary Members.

AN CHÚIRT OIBREACHAIS

THE LABOUR COURT

ANNUAL REPORT 2015 APPENDICES

APPENDIX 1
REFERRALS RECEIVED IN 2015

Section /Act /Application	2015	2014
Industrial Relations		
Section 32, Industrial Relations Act, 1946 (Complaint by a union of breach of REA)	0	0
Section 33(1), Industrial Relations Act, 1946 (Interpretation of REA)	0	0
Section 33(3), Industrial Relations Act, 1946 (Interpretation of REA – ref by Court of Law)	0	0
Section 43(1), Industrial Relations Act, 1990 (Interpretation of code of practice)	0	0
Section 57(1), Industrial Relations Act, 1946 (Question of scope of JLC or ERO)	0	0
Section 10, Industrial Relations Act, 1969 (Complaint of breach of REA)	0	0
Section 13(9), Industrial Relations Act, 1969 (Appeal against Rights Commissioner's Recommendation)	144	155
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers - advance acceptance of Recommendation)	106	125
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties - advance acceptance of Recommendation)	1	2
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	160	182
Section 26(3), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC without conciliation)	0	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)	0	1
Section 6(1), Industrial Relations (Amendment) Act, 2001 (Request for Determination in relation to Recommendation)	0	0
Section 10(1), Industrial Relations (Misc. Prov.) Act, 2004 (Appeal against Rights Commissioner's Decision – re victimisation)	0	1
Section 28(1) and Section 29(2), Industrial Relations Act, 1946 (Report of hearing REA variation and cancellation)	0	0
Section 7, Industrial Relations Act 1969 (interpretation re pay and conditions)	0	2
Total Industrial Relations Cases	411	469

Equality		
Section 77(12), Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal - time limit)	5	4
Section 83, Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal)	48	44
Section 77A(2)(a), Employment Equality Acts, 1998 to 2008 (Appeal against Decision of Director of Equality Tribunal)	0	4
Total Equality Cases	53	53
Section / Act / Application	2015	2014
Organisation of Working Time		
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against a Rights Commissioner's decision)	97	116
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Rights Commissioner's decision was not implemented)	87	67
Total Organisation of Working Time cases	184	183

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

National Minimum Wage		
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of a Rights Commissioner)	16	21
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Rights Commissioner's decision was not implemented)	6	5
Total National Minimum Wage cases	22	26
Protection of Employees (Part-time Work)		
Section 17(1) Protection of Employees (Part-time Work) Act, 2001 (Appeal against decision of a Rights Commissioner)	7	12
Section 17(8) Protection of Employees (Part-time Work) Act, 2001 (Complaint that Rights Commissioner's decision was not implemented)	3	0

<i>Total Part-time Work cases</i>	10	12
Protection of Employees (Fixed-Term Work)		
Section 15(1) Protection of Employees (Fixed-Term Work) Act, 2003 (Appeal against decision of a Rights Commissioner)	13	39
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Rights Commissioner's decision was not implemented)	0	2
<i>Total Fixed Term Work cases</i>	13	41
Safety, Health and Welfare at Work		
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of a Rights Commissioner)	13	18
Section 29(8) Safety, Health and Welfare at Work Act, 2005 (Complaint by employee that Rights Commissioner's Decision has not been implemented)	1	1
<i>Total Safety, Health and Welfare cases</i>	14	19
Employee Information and Consultation		
Section 15(1) Employees (Provision of Information and Consultation) Act, 2006 (Cases referred directly to the Court)	0	1
Section 6(5) Employees (Provision of Information and Consultation) Act, 2006	0	1
Section 15(4) Employees (Provision of Information and Consultation) Act, 2006	0	0
Section 15(5) Employees (Provision of Information and Consultation) Act, 2006	13	15
<i>Total Information and Consultation cases</i>	13	17
Exceptional Collective Redundancies		
Section 7(1)(a), Protection of Employment (Exceptional Collective Redundancies and Related Matters) (Request by Minister for opinion on Collective Redundancies)	0	0
<i>Total Exceptional Collective Redundancies Cases</i>	0	0
Health		
Section 55M(11) Health Act, 2004 (Appeal against Rights Commissioner's Decision under this Act)	1	2
Section 55M(15) Health Act, 2004	1	0
<i>Total Health Cases</i>	2	2
Road Transport		
Section 19, European Communities (Road Transport) (Organisation Of Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012	17	14
Section 20, European Communities (Road Transport) (Organisation Of	3	0

Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012		
Total Road Transport	20	14
Maternity Protection		
Section 33 (1) Maternity Protection Acts 1994	1	0
Total Maternity Protection Cases	1	0
Pensions Acts		
Section 81(1), Pensions Act 1990	2	0
Section 81(4), Pensions Act 1990 (Case referred to Court outside time limit)	0	
Total Pensions Act Cases	2	0
Payment of Wages		
Section 7(1) Payment of Wages Act, 1991	21	0
Total Payment of Wages Cases	21	0
Terms of Employment		
Section 8 (1) Terms of Employment (Information) Act1994-2012,	11	0
Total Terms of Employment Cases	11	0
Unfair Dismissals		
Section 9 (1) unfair Dismissals Acts 1977 to 2015	14	0
Total Unfair dismissals Cases	14	0
Transfer of Undertakings		
Section 11 (1) EC (Protection of Employees on Transfer of Undertakings) Regulations 2003	2	0
Total Transfer of Undertakings cases	2	0
TOTAL REFERRALS RECEIVED	810	957

<i>Section / Act / Application</i>	2015	2014
Industrial Relations		
Section 32, Industrial Relations Act, 1946 (Complaint by a union of breach of REA)	0	0
Section 33(1), Industrial Relations Act, 1946 (Interpretation of REA)	0	0
Section 33(3), Industrial Relations Act, 1946 (Interpretation of REA – ref by Court of Law)	0	0
Section 10, Industrial Relations Act, 1969 (Complaint of breach of REA)	0	0
Section 13(9), Industrial Relations Act, 1969 (Appeal against Rights Commissioner's Recommendation)	111	123
Section 20(1), Industrial Relations Act, 1969 (Cases referred directly by the Union or workers- advance acceptance of Recommendation)	86	96
Section 20(2), Industrial Relations Act, 1969 (Cases referred directly by the parties- advance acceptance of Recommendation)	0	3
Section 26(1), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC)	141	160
Section 26(3), Industrial Relations Act, 1990 (Cases referred to the Court by the LRC without conciliation)	0	0
Section 26(5), Industrial Relations Act, 1990 (Cases referred to the Court in exceptional circumstances)	0	1
Section 43(1), Industrial Relations Act, 1990 (Interpretation of code of practice)	0	0
Section 43(2), Industrial Relations Act, 1990 Complaint of Breach of Code of Practice	0	0
Section 2(1), Industrial Relations (Amendment) Act, 2001 as amended by Industrial Relations (Miscellaneous Provisions) Act, 2004 (Cases where negotiating procedures are not in place)	0	0
Section 6(1), Industrial Relations (Amendment) Act, 2001 (Request for Determination in relation to Recommendation)	0	0
Section 10(1), Industrial Relations (Misc. Prov.) Act, 2004 (Appeal against Rights Commissioner's Decision – re victimisation)	0	1
Section 28(1) and Section 29(2), Industrial Relations Act, 1946 (Report of hearing REA variation and cancellation)	0	0
Section 57(1), Industrial Relations Act, 1946 (Question re scope of JLC or ERO)	0	0
Section 7, Industrial Relations Act 1969 (interpretation re pay and conditions)	0	2
Total Industrial Relations Cases	338	386
Equality		
Section 24, Employment Equality Act, 1977 (Complaint that Court's Determination not implemented)	0	0
Section 77(2), Employment Equality Act, 1998 (Cases re dismissal arising from discrimination or victimisation)	3	0
Section 77(12), Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal - time limit)	4	6
Section 83, Employment Equality Act, 1998 (Appeal against decision of Director of Equality Tribunal)	23	43
Section 77A(2)(a), Employment Equality Acts, 1998 to 2008	1	1
Total Equality Cases	31	50

Organisation of Working Time		
Section 28(1), Organisation of Working Time Act, 1997 (Appeal against a Rights Commissioner's decision)	76	90
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Rights Commissioner's decision was not implemented)	97	55
Total Organisation of Working Time Cases	173	145
National Minimum Wage		
Section 27(1), National Minimum Wage Act, 2000 (Appeal against decision of a Rights Commissioner)	14	19
Section 31(1), National Minimum Wage Act, 2000 (Complaint that Rights Commissioner's decision was not implemented)	2	5
Total National Minimum Wage Cases	16	24
Protection of Employees (Part-time Work)		
Section 17(1) Protection of Employees (Part-time Work) Act, 2001 (Appeal against decision of a Rights Commissioner)	3	7
Section 17(8) Protection of Employees (Part-time Work) Act, 2001 (Complaint that Rights Commissioner's decision was not implemented)	0	0
Total Part-time Work Cases	3	7
Protection of Employees (Fixed-Term Work)		
Section 15(1) Protection of Employees (Fixed-Term Work) Act, 2003 (Appeal against decision of a Rights Commissioner)	19	29
Section 15(8) Protection of Employees (Fixed-Term Work) Act, 2003 (Complaint that Rights Commissioner's decision was not implemented)	0	2
Total Fixed Term Work Cases	19	31
Employee Safety, Health & Welfare		
Section 29(1) Safety, Health and Welfare at Work Act, 2005 (Appeal against decision of a Rights Commissioner)	8	7
Section 29(8) Safety, Health and Welfare at Work Act, 2005 (Complaint by employee that Rights Commissioner's Decision has not been implemented)	1	1
Total Safety, Health & Welfare Cases	9	8
Employee Information and Consultation		
Section 15 Employees (Provision of Information and Consultation) Act, 2006	2	7
Total Information and Consultation Cases	2	7
Exceptional Collective Redundancies		
Section 7(1)(a), Protection of Employment (Exceptional Collective Redundancies and Related Matters) (Request by Minister for opinion on Collective Redundancies)	0	0
Total Exceptional Collective Redundancies Cases	0	0
Health		
Section 55M(11) Health Act, 2004 (Appeal against Rights Commissioner's Decision under this Act)	0	0
Section 55M(15) Health Act, 2004	1	0
Total Health Cases	1	0
Temporary Agency Work		
Section 25(2) Protection of Employees (Temporary Agency Work) Act 2012	13	8

Section 25(3) Protection of Employees (Temporary Agency Work) Act 2012	3	0
Total Temporary Agency Work cases	16	8
Road Transport		
Section 19, European Communities (Road Transport) (Organisation Of Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012	14	5
Section 20, European Communities (Road Transport) (Organisation Of Working Time Of Persons Performing Mobile Road Transport Activities) Regulations, 2012	3	0
Total Road Transport	17	5
Transfer of Undertakings		
Section 11 (1) EC (Protection of Employees on Transfer of Undertakings) Regulations 2003	0	0
Total Transfer of Undertakings cases	0	0
Payment of Wages		0
Section 7(1) Payment of Wages Act, 1991	2	0
Total Payment of Wages Cases	2	0
Terms of Employment		
Section 8 (1) Terms of Employment (Information) Act 1994-2012,	1	0
Total Terms of Employment Cases	1	0
	628	672

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 which has been concluded by the two 'sides' in a sector or in an enterprise, with such registration having the effect of making the agreement legally enforceable. Complaints alleging breaches of a Registered Employment Agreement may be made to the Court whom, having examined the complaint may make an Order directing that specified things be done to comply with the Agreement.

- *Joint Labour Committees / Employment Regulation Orders*

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

- *Codes of Practice*

The Industrial Relations Act 1990 makes provision for the preparation by the Labour Relations Commission of '*codes of practice*' concerning industrial relations. Where such a code is in place, application may be made to the Labour Court for an interpretation of its terms. Also, a complaint of a breach of a code may be made to the Court.

Employment rights

The main work for the Court in the area of employment rights involves acting as an appeal body in relation to 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.

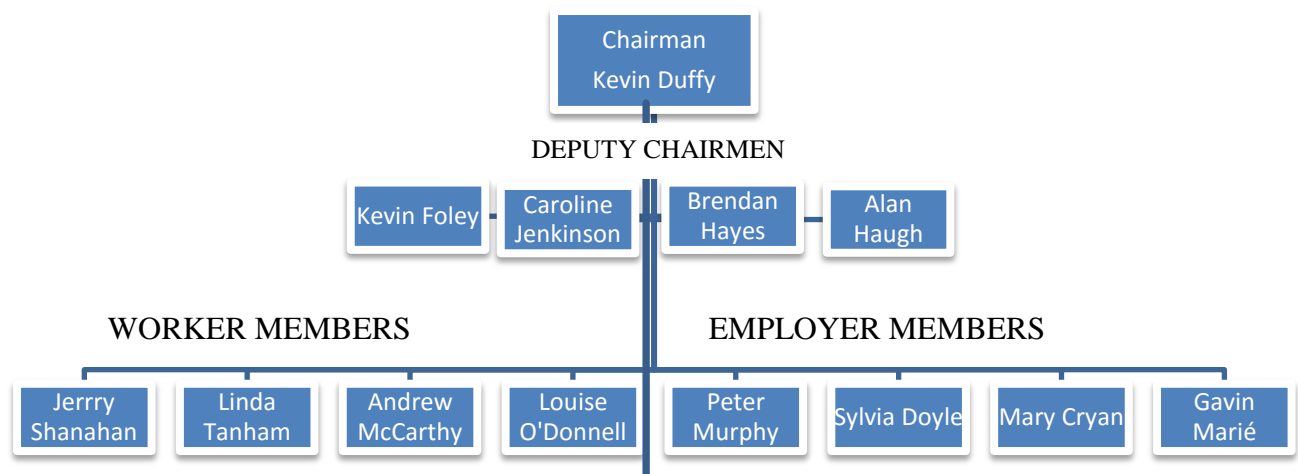
The enactment of the Workplace Relations Act 2015 provides that the Labour Court is the sole appellate body for Adjudication Officer decisions. This expanded function for the Labour Court will result in the Labour Court determining appeals of Adjudication Officer decisions across the full spectrum of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

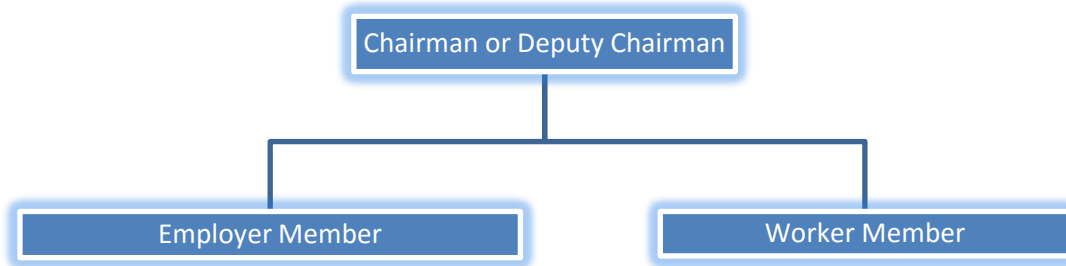
Structure of the Labour Court

THE LABOUR COURT CONSISTS OF 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

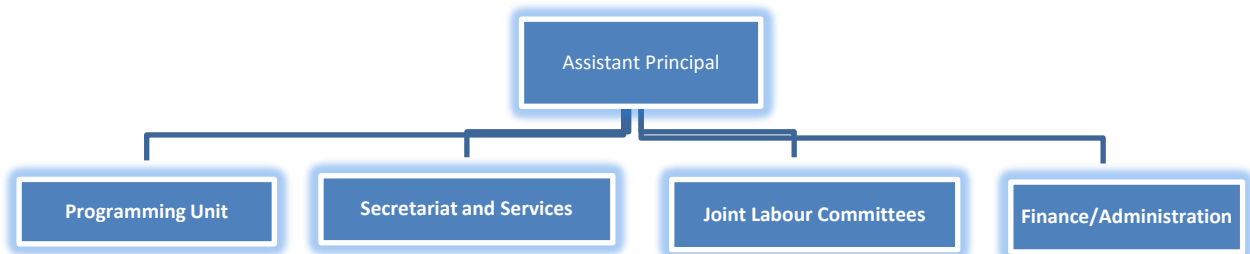
Each hearing of the Court is taken by a Division of the Court consisting of the Chairman or a Deputy Chairman of the Court, a Worker Member and an Employer Member.



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 Jobs, Enterprise and Innovation.

APPENDIX 6

FURTHER INFORMATION

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

The Labour Court
Tom Johnson House
Haddington Road
Dublin 4

Phone: (01) 613 6666

Lo-call number (if calling outside (01) area): 1890 22 02 28

Fax: (01) 613 6667

e-mail: info@labourcourt.ie

Website: www.workplacereactions.ie

Query	Relevant Section of the Labour Court	Contact
About a particular case, <i>before</i> the hearing	Programming Section	(01) 6136608, 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) 6136631, 6136632, 6136626 e-mail: jlc@labourcourt.ie
General information about industrial relations, equality, organisation of working time, part-time work, fixed-term work	Workplace Relations Customer Services	1890 80 80 90

APPENDIX 7

FINANCIAL REPORT FOR 2015

Financial Report for 2015	€
Pay:	1,978,735
Non-pay:	276,337
TOTAL	2,255,072

Main areas of non-pay expenditure	€
Post/Telephones	69,775
Office Equipment & Supplies	27,152
Office Premises	102,379

Expenditure on casework which required hearings to be conducted in locations outside the Labour Court's headquarters gave rise to expenditure of €53,238

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 2015 Key Actions and Performance Indicators

Action	Performance in 2015
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
Liaise effectively with the Project Office on, and contribute resources to, the implementation of the Workplace Relations (Reform) Bill.	Staff redeployments took place as required in 2015 Appointment of new Labour Court Division
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	2 conferences attended in 2015. Attendance by the Chairman at the European Labour Court Labour Court Judges meeting 2 In-house forums held
Review of JLCs Provide secretariat to JLCs	No further appointments made to JLCs in 2015 Secretariat provided as required in 2015
The effective and efficient receipt of and deciding on proposals for, and applications to vary or cancel EROs	Two EROs submitted to the Labour Court and signed by the Minister in 2015

Action	Performance in 2015
	Targets met for publishing proposals from JLC Secretariat provided as required in 2015
Decide applications to register/cancel registration of JICs Provide secretariat to JICs	No new or cancellations of JICs in 2015 Secretariat provided as required
The effective and efficient receipt of and deciding on proposals to register, vary or review employment agreements	No new or varied REAs in 2015.
Manage scheme of registration of hairdressing apprentices	Target met for registration of apprenticeships and issuing of confirmation letters to prospective emigrants