



THE LABOUR COURT

ORGANISATION OF WORKING TIME ACT, 1997

APPLICATION FOR VARIATION OF A COLLECTIVE AGREEMENT

Employer details:

Name: Address:
Contact name: Phone number: Fax number: E-mail address:

Union or Excepted Body* details:

Name: Address:
Contact name: Phone number: Fax number: E-mail address:

Details of Collective Agreement approved under section 24 of the Organisation of Working Time Act, 1997:

Labour Court Registration Number of Agreement:
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***Excepted Body**

Where the employees are not represented by a trade union, they must be represented by an "excepted body" as defined in the Trade Union Acts, 1941 and 1942. Under this definition, an "excepted body" includes "a body all the members of which are employed by the same employer and which carried on negotiations for the fixing of wages or other conditions of employment of its own members (but of no other employees)". For the full definition, please refer to the legislation.

Details of Variation (of Collective Agreement) for which approval is sought

1. **Date of variation:**

2. **Brief description of procedures followed (in agreeing to vary the Collective Agreement):**

3. **Does variation of Collective Agreement provide for:**

- | | | |
|-------|--|---|
| (i) | Day Workers? | YES/NO (<i>delete as appropriate</i>) |
| (ii) | Nights Workers? | YES/NO |
| (iii) | An averaging period exceeding 4 months* for Day Workers? | YES/NO |
| (iv) | An averaging period exceeding 2 month for Night Workers? | YES/NO |

Note: If averaging period exceeds 4 months (Day Workers) or 2 months (Night Workers), please outline reasons ** below

*

Refer to Appendix for activities for which the Statutory Averaging Period is 6 months.

**

Section 15(5) of the Act provides for an extension of the Statutory Averaging Period up to a maximum period of 12 months, by collective agreement approved by the Labour Court, where the weekly working hours vary:

- (i) on a seasonal basis, or (ii) for considerations of a technical nature, or (iii) for considerations related to the conditions under which the work concerned is organised, or (iv) for considerations otherwise, of an objective nature.

Confirmation that proper procedures observed:

We confirm that:	
(i)	the variation to the collective agreement has been concluded in the manner usually employed in determining the pay or other conditions of employment of employees in the employment concerned, and
(ii)	the body which negotiated the agreement on behalf of the employees concerned is the holder of a negotiation licence under the Trade Union Act, 1941, or an excepted body* within the meaning of that Act.
Signed on behalf of the employer:	_____
Date:	_____
Signed on behalf of Union or Excepted Body*:	_____
Date:	_____

PARTIES ARE ADVISED THAT DECISIONS OF THE COURT ARE PUBLISHED ON ITS WEBSITE WWW.LABOURCOURT.IE

Where to send this form:-

Please send the completed form, plus 3 copies thereof, and 4 copies of the Variation to the Collective Agreement document to:-

Working Time Section
The Labour Court
Lansdowne House
Lansdowne Road
Ballsbridge
Dublin 4

Enquiries:

Enquiries about your application should be addressed to the above address, or telephone (01) 6136666. If calling outside the (01) area, the following Lo-call number may be used – 1890 220228

*Excepted Body

APPENDIX

Activities for which the Statutory Averaging Period is 6 Months

Section 15(1)(b)(i) of the Act extends the 4-month averaging period to 6 months for employment in certain activities referred to in the Council Directive to which the Act gives effect. These are:

- (a) Activities where an employee's place of work and his place of residence are distant from one another or where the worker's different places of work are distant from one another.
- (b) Security and surveillance activities requiring a permanent presence in order to protect property and persons, particularly security guards and caretakers or security firms;
- (c) Activities involving the need for continuity of service or production, particularly:-
 - (i) services relating to the reception, treatment and/or care provided by hospitals or similar establishments, residential institutions and prisons,
 - (ii) dock or airport employees,
 - (iii) press, radio, television, cinematographic production, postal and telecommunications services, ambulance, fire and civil protection services,
 - (iv) gas, water and electricity production, transmission and distribution, household refuse collection and incineration plants,
 - (v) industries in which work cannot be interrupted on technical grounds,
 - (vi) research and development activities,
 - (vii) agriculture.
- (d) Where there is a foreseeable surge of activity, particularly in:
 - (i) agriculture,
 - (ii) tourism,
 - (iii) postal services.