



THE LABOUR COURT

INDUSTRIAL RELATIONS (AMENDMENT) ACT, 2001 (AS AMENDED BY THE INDUSTRIAL RELATIONS (MISCELLANEOUS PROVISIONS) ACT, 2004 AND THE INDUSTRIAL RELATIONS (AMENDMENT) ACT, 2015

TRADE UNION

Name	
Address	
Contact Person Contact Number	
Email Address	

EMPLOYER

Name	
Address	
Contact Person	
Contact Number	
Email Address	

DESCRIPTION OF DISPUTE

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PLEASE NOW COMPLETE PART 2 OF THIS FORM OVERLEAF



PART 2 - Questionnaire re Statutory Pre-conditions*

	YES	NO
1. Is it the practice of the employer to engage in collective bargaining negotiations in respect of the grade, group or category of workers who are party to this trade dispute?	<input type="checkbox"/>	<input type="checkbox"/>
2. Have any internal dispute resolution procedures been availed of by the parties?	<input type="checkbox"/>	<input type="checkbox"/>
3. Has the employer failed to observe a provision of the Code of Practice on Voluntary Dispute Resolution specifying the period of time for doing something, or any agreement extending that period of time If you have answered "Yes" to this question, please state below which provision of the Code the employer has failed to observe.	<input type="checkbox"/>	<input type="checkbox"/>
4. Has the Trade Union acted in a manner which has frustrated the employer in observing a provision of the Code of Practice?	<input type="checkbox"/>	<input type="checkbox"/>
5. Has the Trade Union engaged in any industrial action after the date on which the dispute has been referred to the Labour Relations Commission?	<input type="checkbox"/>	<input type="checkbox"/>

Signed:

Trade Union : _____

Date : _____

* see overleaf for Statutory Pre – conditions

STATUTORY PRE-CONDITIONS TO LABOUR COURT INVESTIGATION OF A DISPUTE UNDER THE INDUSTRIAL RELATIONS ACT, 2001 AS AMENDED BY THE INDUSTRIAL RELATIONS (MISCELLANEOUS PROVISIONS) ACT, 2004 AND THE INDUSTRIAL RELATIONS (AMENDMENT) ACT, 2015

Section 2 (1) – Industrial Relations (Amendment) Act, 2001 as amended by the Industrial relations (Miscellaneous Provisions) Act 2004 and the Industrial Relations (Amendment) Act 2015

“2.- (1) Notwithstanding anything contained in the Industrial Relations Acts, 1946 to 1990, at the request of a trade union the Court may investigate a trade dispute where the Court is satisfied that –

(a) it is not the practice of the employer to engage in collective bargaining negotiations in respect of the grade, group or category of workers who are part to this dispute and the internal dispute resolution procedures (if any) normally used by the parties concerned have failed to resolve the dispute,

(b) either –

(i) the employer has failed to observe-

(I) a provision of the Code of Practice on Voluntary Dispute Resolution under section 42 of the Industrial Relations Act, 1990 specifying the period of time for the doing of any thing (or such a provision of any code of practice amending or replacing that code), or

(II) any agreement by the parties extending that period of time,

Or

(ii) the dispute having been referred to the Commission for resolution in accordance with the provisions of such code, no further efforts on the part of the Commission will, in the opinion of the Commission, advance the resolution of the dispute and the Court has received a report from the Commission to that effect,

(c) the trade union or the employees, as the case may be, have not acted in a manner which, in the opinion of the Court, has frustrated the employer in observing a provision of such code of practice, and

(d) the trade union or the employees, as the case may be, have not had recourse to industrial action after the dispute in question was referred to the Commission in accordance with the provisions of such code of practice.”

Supplemental matters relating to number of members of trade union employed by employer

2 (2) The Court shall decline to conduct an investigation of a trade dispute under subsection (1) where it is satisfied that the number of workers who are party to the trade dispute concerned is such as to be insignificant having regard to the total number of workers employed by the employer concerned in the grade, group or category to which the trade dispute concerned refers

2A.(1) For the purposes of subsection (2) of section 2 in respect of establishing the number of workers who are party to the trade dispute, a statutory declaration made by the chief officer of the trade union which made the request under subsection (1) of section 2 specifying-

- (a) The number of the members of that trade union who are in the employment of the employer concerned in the grade, group or category to which the trade dispute refers and who are party to the trade dispute, and
- (b) The period of membership of such members in that trade union, shall be admissible in evidence without further proof, unless the contrary is shown, of such numbers and such period

Note: The Court means the Labour Court and the Commission means the Workplace Relations Commission.

Completed applications, accompanied by the statutory declaration made by the chief officer of the trade union in respect of establishing the number of workers who are party to the trade dispute, should be returned to:-

**Programming Unit
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