



Industrial Relations (Amendment) Act, 2001

[as amended by the Industrial Relations (Miscellaneous Provisions) Act,
2004]

APPLICATION TO THE LABOUR COURT FOR INVESTIGATION OF DISPUTE

PART 1 – Details of Dispute

TRADE UNION OR EXCEPTED BODY¹:

Name:

Address:

Contact person:

Phone number:

e-mail address

EMPLOYER:

Name:

Address:

Contact person:

Phone number:

DESCRIPTION OF DISPUTE:

N.B. Please now complete Part 2 of this form – overleaf.

¹ Excepted body means an “excepted body” within the meaning of section 6 of the Trade Union Act, 1941, as amended by the Trade Union Act, 1942



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/Excepted Body 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/Excepted Body 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"/> |

Signature of Applicant:

_____, _____ of _____
(Name) (Title) (Name of trade union/excepted body)

Date: _____

*See overleaf for Statutory Pre-conditions

STATUTORY PRE-CONDITIONS TO LABOUR COURT INVESTIGATION OF A DISPUTE UNDER THE INDUSTRIAL RELATIONS ACT, 2001*

Section 2 (1) – Industrial Relations Act, 2001*

“2.- (1) Notwithstanding anything contained in the Industrial Relations Acts, 1946 to 1990, at the request of a trade union or excepted body, 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 resolved 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 excepted body 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 excepted body 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.”

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

*** As amended by the Industrial Relations (Miscellaneous Provisions) Act, 2004.**

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

Completed forms should be returned WITHIN 7 WORKING DAYS to

**Programming Unit,
The Labour Court,
Tom Johnson House,
Haddington Road, Dublin 4**

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