



AN CHÚIRT OIBREACHAIS

THE LABOUR COURT

ANNUAL REPORT

2011



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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

Overall, industrial relations have remained stable during 2011. Despite the current economic conditions and their negative impact on rates of pay and working conditions, there were very few industrial disputes during the year. A total of 3,695 days were lost in eight work stoppages during 2011 – the lowest number recorded in recent times. This, combined with a slight decrease in the number of collective disputes referred to the Court, suggest that major workplace change is being achieved through consensus and agreement between employers, workers and their trade unions.

In 2011, for the first time in over a decade the number of cases referred to the Court decreased compared to the previous year. A total of 1,254 cases were referred to the Court in the year under review compared to 1,452 in the previous year. This decrease of 13.6% in referrals was in contrast to the consistent increase in the Court's workload experienced since 2000 when the number of referrals recorded was 779.

This reduction in the number of cases is mainly accounted for by a fall-off in two types of referral. There was an 80% decrease in the number of applications under Section 33(1) of the Industrial Relations Act 1946, in which an interpretation of a Registered Employment Agreement is sought. There was also an 18% decrease in complaints by trade unions, under Section 32 of the 1946 Act, alleging a breach of the terms of a Registered Employment Agreement. In previous years cases under both sections related, in the main, to construction related employments and the Registered Employment Agreements in that sector. The decrease in this category of cases is mainly attributable to the decline in activity and employment levels in that sector.

A significant number of the industrial relations cases dealt with by the Court during the year arose from the application of the Public Service Agreement 2010-2014 (the Croke Park Agreement). Many of those cases were concerned with major change in work practice and organisation within the public services, including issues relating to redeployment. The Court is committed to applying the terms of that agreement in all cases coming before it in which they are relevant and it has done so consistently during 2011. In cases referred in accordance with the Croke Park Agreement the Court issues recommendations under section 26(1) of the Industrial Relations Act 1990. While recommendations of the Court under that provision are normally non-binding, in cases referred under the Croke Park Agreement the parties are committed to accepting the outcome of a Court investigation.

As will be seen from the body of this report, the number of cases coming before the Court under the various employment rights statutes within its jurisdiction has remained relatively constant and in some respects has increased. As a proportion of its caseload, employment rights issues now account for 36% of total referrals to the Court, with 64% of referrals made under the various Industrial Relations Acts. As was pointed out in previous reports, this breakdown between industrial relations type referrals and employment rights issues does not provide a true reflection of proportion of Court time devoted to each category. Given the complexities of fact and law

arising in most of the employment rights cases coming before the Court, they tend to account for a greater input of Court time than their actual number suggests.

During the year the Court continued to take initiatives directed at improving its efficiency so as to provide the highest standard of cost effective service to Court users. The Court has undertaken longer sitting hours in hearing cases in venues outside of Dublin and this has resulted in a significant reduction in the waiting time for hearings in most centres. In all of the major urban centres, the Court can now offer a hearing date within 12 weeks of the referral being received. Better use is being made of case management procedures in employment rights cases so as to identify and refine the issues in contention between the parties in advance of the hearing. This has resulted in shorter hearings with consequential savings in time and expense. Adjournment of listed cases, particularly at short notice, disrupts the Court's work programme and results in a waste of valuable resources. Consequently, the Court will only grant adjournments at short notice in the most pressing of circumstances or where another case can be brought forward to fill the hearing slot vacated.

In August 2011 the Minister for Jobs, Enterprise and Innovation announced a major programme directed at reforming the State's employment rights adjudication service. When implemented, the Minister's decisions will have a major impact on the role and structures of the Court. The Court is fully committed to co-operating with the Minister and his officials in ensuring the success of these proposed reforms.

During the year there were two changes in the membership of the Court. Noel O'Neill retired as a Worker Member IN January 2011, after 13 years' service. In August 2011 Jack Nash retired as a Worker Member after seven years' service. Both Noel and Jack brought a wealth of experience to the Court from their many years serving as Senior National Officials with UCATT and SIPTU respectively. Through their wide experience of industrial relations and sound judgment, they both made a tremendous contribution to the work of the Court. Jerry Shanahan, formerly Regional Secretary with Unite Trade Union, was appointed as a Worker Member in January 2011. Linda Tanham, formally Assistant General Secretary of Mandate Trade Union, was appointed as a Worker Member and took up office in August 2011. The Court was fortunate to have obtained the services of such high ranking and experienced practitioners. Jerry and Linda's knowledge of employment related issues and long experience of dispute resolution will enhance the standing and effectiveness of the Court in the years to come.

I wish to express my continuing gratitude to my colleagues and fellow Court members for their continuing hard work and dedicated service in ensuring the successful discharge of the Court's statutory mandate during the year. In common with all other Public Service organisations, the Court is now obliged to perform its functions with fewer resources and reduced staffing levels. This has placed additional demands on the administrative staff of the Court which they have willingly carried in the best traditions of the public service. For that I am most grateful.

Finally I wish to record my appreciation of the strong support we have continued to receive from the Minister for Jobs, Enterprise and Innovation and from the Secretary General and Officials of his Department. I also wish to gratefully acknowledge that, notwithstanding continuing

budgetary pressures, the Minister and his Officials have continued to ensure that the Court is provided with adequate resources to fully discharge its statutory functions.

Kevin Duffy

Chairman

November 2012

MEMBERS OF THE LABOUR COURT IN 2011

Chairman	<i>Kevin Duffy</i>
Deputy Chairmen	<i>Caroline Jenkinson</i> <i>Brendan Hayes</i>
Employer Members	<i>Peter Murphy</i> <i>Sylvia Doyle</i> <i>Mary Cryan</i>
Worker Members	<i>Pádraigín Ní Mhurchú</i> <i>Noel O'Neill (to Jan 2011)</i> <i>Jack Nash (to Aug 2011)</i> <i>Jerry Shanahan (from Jan 2011)</i> <i>Linda Tanham (from Aug 2011)</i>
Registrar	<i>Hugh O'Neill</i>

HEADLINES 2011

In 2011, the Labour Court

- received 1,254 referrals
- held 1,043 hearings
- issued 774 Recommendations / Determinations / Decisions / Orders
- investigated 245 cases that were settled prior to or at a hearing

and

- made 1 Employment Regulation Order
- varied 1 Registered Employment Agreement
- registered 3 Employment Agreements
- registered 2 Joint Industrial Councils

Work of the Labour Court in 2011 compared to 2010

Category	Number in 2011	Number in 2010
Referrals received	1,254	1,452
Hearings	1,043	1,139
Recommendations etc. issued	774	831
Cases settled prior to / at Hearing	245	255
Collective Agreements approved:		
<i>Organisation of Working Time Act</i>	0	1
<i>Part-Time Work Act</i>	0	0
Employment Regulation Orders made	1	3
Joint Industrial Councils registered	2	0
Registered Employment Agreements:		
<i>Registrations</i>	3	3
<i>Variations</i>	1	33

OVERVIEW 2011

CASES REFERRED TO THE COURT IN 2011

Number of Referrals

	2011	2010	Difference
Total	1,254	1,452	-198 (13.6%)
Industrial Relations	805	993	-188 (19%)
Employment Rights	449	459	-10 (2%)

Overall there was a 13.6% decrease in referrals to the Labour Court in 2011 compared to the previous year (from 1452 to 1254) with some sub-categories of referrals witnessing more significant change.

Referrals under the Industrial Relations Acts 1946 to 2004 accounted for 64% of total referrals. This class of referral showed an overall decrease of 188 or 19% compared to 2010 (805 referrals compared with 993). The most significant change was in relation to referrals under Section 33(1) of the Industrial Relations Act 1946, which provides for requests to be made to the Court seeking interpretation of Registered Employment Agreements. Total referrals under this category were 22 in 2011 compared with 107 in 2010 – a decrease of 80%.

Within the sphere of Employment Rights legislation, referrals accounted for 36% of cases coming to the Court during the year but due to the complex issues of law involved in many of these cases, they occupy a greater proportion of the overall workload of the Court. While the overall number of referrals under Employment Rights legislation was broadly similar to 2010 (449 in 2011 compared to 459 in the previous year), some sub-categories witnessed more significant change. The most significant increases in referrals occurred in Fixed-Term Work cases which rose to 68 compared to 45 in the previous year – an increase of 51% – and Safety, Health & Welfare at Work cases which increased to 25 compared to 16 in the previous year – an increase of 56%. The number of appeals against decisions of the Equality Tribunal totalled 67 compared with 88 in the previous year – a decrease of 24% - and referrals under the Organisation of Working Time legislation totalled 249 compared with 279 in the previous year – a decrease of 10%.

Profile of Referrals – by Category

Category	2011	2010	Change
Industrial Relations	805	993	-188
Employment Rights:	449	459	
Equality	67	88	-21
Organisation of Working Time	249	279	-30
National Minimum Wage	24	21	+3
Part-Time Work	13	10	+3
Fixed-Term Work	68	45	+23
Safety, Health & Welfare at Work	25	16	+9
Employee Information and Consultation	1	0	+1
Health Act	2	0	+2
Total	1,254	1,452	-198

Categories of Referrals – as Proportion of Total Referrals

Category	2011	2010
Industrial Relations	64%	68%
Employment Rights:	36%	32%
Equality	5.3%	6%
Organisation of Working Time	20%	19.2%
National Minimum Wage	1.91%	1.4%
Part-time Work	1.03%	0.6%
Fixed-Term Work	5.4%	3%
Safety, Health & Welfare at Work	1.99%	1.1%
Information and Consultation	0.02%	0
Health Act	0.15%	0

Profile of Referrals – by Source

Source	2011	2010
Cases which had earlier involved Labour Relations Commission -	729	787
of which		
Referrals from conciliation services ¹	199	229
Referrals from advisory services ²	2	3
Appeal against Recommendation / Decision of Rights Commissioner	528	555
Appeal against decision of Director of Equality Tribunal	67	88
Direct referrals ³	135	135
Other ⁴	323	442
TOTAL	1,254	1,452

- 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 Cases in which negotiation procedures were not in place.
- ³ These include referrals under Section 20 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;
- ⁴ "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.

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

CASES COMPLETED BY THE COURT IN 2011

NUMBER OF CASES COMPLETED

2011	2010	Difference
1,019	1,086	-67(-7%)

PROFILE OF COMPLETED CASES – BY CATEGORY

CATEGORY	NUMBER 2011	NUMBER 2010	CHANGE
Industrial Relations	688	769	-81
Equality	52	41	+11
Organisation of Working Time	207	225	-18
National Minimum Wage	20	16	+4
Part-Time Work	5	4	+1
Fixed Term Work	31	21	+10
Safety, Health & Welfare at Work	14	7	+7
Employee Information and Consultation	1	1	0
Health Act	1	2	-1
TOTAL	1,019	1,086	-67

Details of the cases completed by the Court under various enactments are included in Appendix 2.

HEARINGS IN 2011

Number of Hearings

The Court held a total of 1,043 Hearings in 2011, compared with 1139 in 2010. For the purposes of these hearings, the Court arranged sittings at a total of 17 locations.

Origins of Cases Heard in 2011

The following shows the origins of cases heard by the Court in 2011, based on the address of the employer:

County	Number of cases in 2011
Westmeath	10
Cavan	2
Cork	48
Donegal	14
Dublin	769
Galway	24
Kilkenny	27
Limerick	39
Monaghan	3
Laois	9
Roscommon	9
Sligo	12
Tipperary	14
Kerry	6
Waterford	19
Mayo	28
Wexford	10
Total	1,043

INDUSTRIAL RELATIONS CASES IN 2011

INDUSTRIAL RELATIONS CASES REFERRED TO THE COURT

Number of Industrial Relations Referrals Received

2011	2010	Difference
805	993	-188(-19%)

The number of referrals under the Industrial Relations Acts 1946 to 2004 decreased by 19% to 805.

While most categories remained fairly constant, the most significant change was in relation to referrals under Section 33(1) of the Industrial Relations Act 1946. Total referrals under this category were 22 in 2011 compared with 107 in 2010 – a decrease of 80%. Including requests to the Court to interpret EROs/scope of JLCs, the overall number of such interpretation referrals fell from 113 in 2010 to 24 in 2011.

Referrals under Section 13(9) of the Industrial Relations Act 1969 decreased by 20% to 146. Section 26(1) of the Industrial Relations Act 1990 referrals decreased by 16% to 193. Section 32 complaints made by Trade Unions regarding breaches of REAs under Section 32 of the Industrial Relations Act 1946 decreased by 18% to 163, but conversely, similar complaints made by employers under Section 10 of the Industrial Relations Act 1969 increased by approximately 5%.

Industrial relations cases in which the parties had already availed of various services of the Labour Relations Commission constituted, in all, 42% of total industrial relations referrals received by the Court. The remaining 58% of industrial relations referrals were cases referred directly to the Court.

Details of the cases referred to the Court under various enactments are included in Appendix 1.

Profile of Industrial Relations Cases Received

Source	Number of Referrals		
	2011	2010	Difference
Referrals from LRC (conciliation)*	193	229	-36 (16%)
Appeals of Recommendations of Rights Commissioners	146	184	-38 (20%)
Complaint by employer body of breach of REA	136	129	+7 (5%)
Complaint by union of breach of REA	163	199	-36 (18%)
Direct referral – advance acceptance of Recommendation	139	130	+9 (7%)
Direct referral where no negotiating procedures in place	4	7	-3 (43%)
Interpretation of Registered Employment Agreement/ Scope of Joint Labour Committee or of Employment Regulation Order	24	113	-89 (79%)

* This includes a number of cases in which the parties returned to the Court subsequent to the issue of a Recommendation.

INDUSTRIAL RELATIONS CASES COMPLETED BY THE COURT

Number of Industrial Relations Cases Completed

2011	2010	Difference
688	769	-81 (-11%)

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 99 appeals of such recommendations in 2011; a further 9 cases were settled prior to or at the Labour Court hearing.

Sources of Industrial Relations Appeals

Appeal by	No. of cases	
	2011	2010
Worker	70 (71%)	66 (60%)
Employer	28 (28%)	42 (38%)
Both sides	1 (1%)	2 (2%)
Total	99	110

Outcome of Industrial Relations Appeals

Outcome of Appeal	No. of cases	
	2011	2010
Rights Commissioner's recommendation upheld	60 (61%)	59 (54%)
Rights Commissioner's recommendation varied/amended	26 (26%)	32 (29%)
Rights Commissioner's recommendation overturned	13 (13%)	19 (17%)
Other	0	0
Total	99	110

EQUALITY CASES IN 2011

EQUALITY CASES REFERRED TO THE COURT

Number of Equality Referrals

Category	2011	2010	Diff
Appeal of decision of Director of Equality Tribunal	64	80	-16
Appeal of decision of Director of Equality Tribunal re time limit	2	8	-6
Appeal under Pensions Act	1	0	+1
Total	67	88	-21

The fall in referrals to the Court in 2011 under equality legislation is consistent with an overall downward trend (with some interruption) in this area since 2002. Despite increases in 2009 and 2010, the number of equality referrals has fallen to its present level of 67 from a total of 102 in 2002.

Discriminatory Grounds Cited in Equality Appeals Referred

In the 58 appeals under Section 83 of the Employment Equality Acts 1998 to 2007, seven 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

Gender	Race	Family Status	Age	Disability	Sexual Orientation	Marital Status	Religion	Membership of travelling community
11	33	7	9	12	nil	4	1	nil

Number of grounds cited per appeal referred to the Court

Single ground cited	44 appeals
Two grounds cited	9 appeals
Three or more grounds cited	5 appeals

EQUALITY CASES COMPLETED BY THE COURT

Number of Equality Cases Completed

Type/source	2011	2010	Difference
Appeals	52	41	+11 (27%)

Source and Outcome of Appeal Cases

Of the 52 equality appeal cases completed by the Court in 2011, 17 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:

Source of Appeals

Appeal by	No. of cases	
	2011	2010
Worker	28	25
Employer	7	3
Both sides	nil	2
Total	35	30

Outcome of Appeals

	2011	2010
Decision of Director of Equality Tribunal affirmed	23	20
Decision of Director overturned	8	2
Decision of Director varied	3	5
Other	1	3
Total	35	30

The text of each of these Determinations can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

ORGANISATION OF WORKING TIME CASES IN 2011

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 2011

There were no applications for approval of a collective agreement received during 2011.

WORKING TIME CASES REFERRED TO THE COURT

Number and Categories of Referrals

Category	Number of Referrals		
	2011	2010	Difference
Appeals of decisions of Rights Commissioners	119	139	-20 (-14%)
Complaints that decisions of Rights Commissioners were not implemented	130	140	-10 (-7%)
Total	249	279	-30 (-11%)

WORKING TIME CASES COMPLETED BY THE COURT

Number Completed - by Category

Category	2011	2010	Difference
Appeals of decisions of Rights Commissioners	76	91	-15 (16%)
Complaints that decisions of Rights Commissioners were not implemented	131	134	-3 (2%)
Total	207	225	-18 (8%)

Appeals Completed - Source and Outcome

Of the 76 appeals completed, twenty 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 56 cases in which the Court issued a Determination.

Source of Appeals

	2011	2010
Appeal by Employer	33 (59%)	42 (56%)
Appeal by Worker(s)	23 (41%)	31 (41%)
Appeal by Both	0	2 (3%)
Total	56	75

Outcome of Appeals

	2011	2010
Rights Commissioner decision upheld	26 (46%)	34 (46%)
Rights Commissioner decision varied/amended	20 (36%)	22 (29%)
Rights Commissioner decision overturned	10 (18%)	19 (25%)
Total	56	75

The text of each of these Determinations can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

NATIONAL MINIMUM WAGE CASES IN 2011

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

Number and Categories of cases referred

Category	Number of Referrals		
	2011	2010	Difference
Appeals of decisions of Rights Commissioners	13	16	-3
Complaints that decisions of Rights Commissioners were not implemented	11	5	+6
Applications for exemption from the provisions of the Act	0	0	0
Total	24	21	+3

MINIMUM WAGE CASES COMPLETED BY COURT

Number of Cases Completed by Category

Category	2011	2010	Difference
Appeals of decision of Rights Commissioners	8	12	-4
Complaints that decisions of Rights Commissioners not implemented	12	4	+8
Total	20	16	+4

The text of each of these Determinations can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

PROTECTION OF EMPLOYEES (PART-TIME WORK) CASES IN 2011

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 2011.

PART-TIME WORK CASES REFERRED TO THE COURT IN 2011

Number and Categories of Referrals

Category	Number of Referrals		
	2011	2010	Difference
Appeals of decisions of Rights Commissioners	13	10	+3
Complaints that decisions of Rights Commissioners were not implemented	0	0	0
Total	13	10	+3

PART-TIME WORK CASES COMPLETED BY THE COURT IN 2011

Number of Cases Completed - by Category

Category	2011	2010	Difference
Appeals of decisions of Rights Commissioners	5	4	+1
Complaints that decisions of Rights Commissioners were not implemented	0	0	0
Total	5	4	+1

The text of each of these Determinations can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) CASES IN 2011

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 2011

Number and Categories of Referrals

Category	Number of Referrals		
	2011	2010	Difference
Appeals of decisions of Rights Commissioners	51	42	+9
Complaints that decisions of Rights Commissioners not implemented	17	3	+14
Total	68	45	+23

FIXED-TERM WORK CASES COMPLETED BY THE COURT IN 2011

Number of Cases Completed - by Category

Category	2011	2010	Difference
Appeals of decisions of Rights Commissioners	17	19	-2
Complaints that decisions of Rights Commissioners were not implemented	14	2	+12
Total	31	21	+10

Appeals Completed - Source and Outcome

Of the 17 appeals completed by the Court, three were settled before or at a hearing and the Court did not issue a Determination in those three cases. The information below relates to the 14 cases in which the Court issued a Determination.

Source of appeal	No cases 2011	No cases 2010
Appeal by Employer	5 (36%)	10 (53%)
Appeal by Worker(s)	9 (64%)	7 (37%)
Appeal by Both	0	2 (10%)
Total	14	19

Outcome of appeal	No cases 2011	No cases 2010
Rights Commissioner decision upheld	6	9
Rights Commissioner decision varied/amended	6	8
Rights Commissioner decision set aside	2	2
Total	14	19

The text of each of the cases in which the Court issued a Determination can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

SAFETY, HEALTH AND WELFARE AT WORK CASES IN 2011

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 2011

Number and Categories of Referrals

Category	Number of Referrals		
	2011	2010	Difference
Appeals of decisions of Rights Commissioners	25	16	+9
Complaints that decisions of Rights Commissioners not implemented	0	0	0
Total	25	16	+9

SAFETY, HEALTH AND WELFARE CASES COMPLETED BY THE COURT IN 2011

Number of Cases Completed - by Category

Category	2011	2010	Difference
Appeals of decisions of Rights Commissioners	14	7	+7
Complaints that decisions of Rights Commissioners were not implemented	0	0	0
Total	14	7	+7

The text of each of the appeals in which the Court issued a Determination can be viewed on the Court's website www.labourcourt.ie. A synopsis of the Determinations will also be made available on the website.

OTHER ACTIVITIES

JOINT LABOUR COMMITTEES

What are Joint Labour Committees?

The Industrial Relations Acts 1946 to 2004 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 may be established by the Labour Court in respect of a class or type of worker following an application by one of a number of parties designated in the relevant legislation. The Committee will be 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 to the Labour Court 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.

At the end of 2011 there were 13 JLCs in existence – these are listed in Appendix 3.

Employment Regulation Orders (EROs)

An Employment Regulation Order is a statutory instrument, made by the Labour Court, setting out wages and conditions of employment applying to specified grades or categories of workers in a particular sector. The Court makes an ERO on foot of proposals received from the JLC for that sector.

The making of an ERO has the effect of making the wages and conditions contained in it legally enforceable: thus, a breach of the ERO may be investigated by the National Employment Rights Authority (NERA) and prosecuted by the Minister for Jobs, Enterprise and Innovation.

High Court ruling on the constitutionality of the making of EROs

A High Court ruling of 7 July 2011 (John Grace Fried Chicken Ltd v Catering JLC & Ors) found that the ERO wage-setting mechanism was unconstitutional. Consequently, all EROs were legally unenforceable. In response, the Minister for Jobs, Enterprise and Innovation undertook to carry out a reform of the JLC structure and to introduce legislation protecting the status of workers previously covered by the various EROs produced by the JLCs.

Activities in this area in 2011

Two of the Joint Labour Committees met during 2011, holding a total of 5 meetings. In response to a proposal received from a JLC, one Employment Regulation Order was made by the Labour Court.

Further details are given in Appendix 4. Details of wage rates set down in EROs are available on the Labour Court website at www.labourcourt.ie and from the Court.

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 172 in 2011.

During the second half of 2011, as a consequence of the High Court ruling in July, JLC activity was almost non-existent.

REGISTERED EMPLOYMENT AGREEMENTS

What are Registered Employment Agreements?

Employment agreements (as provided for in the Industrial Relations Acts 1946 to 2004) are agreements on pay and conditions of employment concluded by the two sides in an industry or enterprise. Any party to such an employment agreement may apply to the Labour Court to register the agreement in the *Register of Employment Agreements*.

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, and in respect of his or her employer, even if such worker or employer is not a party to the agreement.

If a registered employment agreement provides for variation of any of its provisions, any party to the agreement may apply to the Labour Court to vary the agreement as registered. If, after carrying out the required procedures, the Court thinks fit, it may make a Variation Order.

Registrations in 2011

At the end of 2011 there were 74 employment agreements on the Register maintained by the Court.

During 2011, the Court varied 1 employment agreement. 3 employment agreements were registered during the year.

Details of the following employment agreements are available on the Labour Court website at www.labourcourt.ie

- Construction Industry (Wages and Conditions of Employment)
- Construction Industry (Pensions Assurance and Sick Pay)
- Electrical Contracting Industry
- Dublin and Dún Laoghaire Drapery, Footwear and Allied Trades
- Printing Industry (City and County of Dublin)
- Overhead Powerlines.

Breaches of Registered Employment Agreements

A complaint of a breach of a registered employment agreement may be made to the Labour Court under Section 32 of the Industrial Relations Act 1946 or Section 10 of the Industrial Relations Act 1969. Having examined the complaint, the Court may by order direct that specific things be done to comply with the Agreement. Failure to comply with such an Order may be prosecuted by the Minister for Jobs, Enterprise and Innovation.

In 2011, a total of 299 complaints of breaches of registered employment agreements were made to the Labour Court (see Appendix 1).

JOINT INDUSTRIAL COUNCILS

What are Joint Industrial Councils (JICs)?

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 2011, 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 5.

Activities of registered JICs in 2011

The Joint Industrial Council for the Construction Industry held 3 meetings in 2011. None of the other bodies on the Register of Joint Industrial Councils met during 2011.

‘Unregistered’ JICs

Apart from the three 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 Labour Court also makes available an officer of the Court to act as secretary at meetings of such bodies, and officers of the Court attended meetings of the following ‘unregistered’ Joint Industrial Councils during 2011:

Electrical Contracting Industry (4 meetings)
State Industrial Employees (6 meetings)

WORKPLACE RELATIONS REFORM PROCESS

The Minister for Jobs, Enterprise and Innovation commenced a programme of reform of the State's employment rights and industrial relations procedures during the second half of 2011. The aim is to establish a world-class workplace relations service and employment rights framework by streamlining the existing structures, procedures and mechanisms and establishing a simpler structure while building upon the recognised strengths of the existing systems.

The overall objective of the reform is to encourage early resolution of disputes, the vindication of complainants'/employees' rights and minimisation of the costs involved for all parties in terms of money, time and workplace productivity. The workplace relations bodies included in the reform programme are the National Employment Rights Authority (NERA), the Employment Appeals Tribunal (EAT), the Labour Relations Commission (including the Rights Commissioner Service), the Equality Tribunal and the Labour Court.

During 2011, the Labour Court actively participated in the activities designed to achieve the ambitious targets set in the reform programme. Work was progressed on the development of a new interim Single Website for the five bodies, a Single Complaint Form and a Single Point of Contact. This work is expected to continue with increased intensity in 2012 and the Labour Court is committed to full participation in achieving the aims of the reform project.

DISPUTE REFERRALS: FIVE YEAR TREND 2007 – 2011

REFERRALS OF EMPLOYMENT DISPUTES

Labour Court

Year	No. of referrals
2011	1,254
2010	1,452
2009	1,433
2008	1,179
2007	924
5-year Average	1,248

All State Institutions

Year	Labour Court	Labour Relations Commission ¹	Rights Commissioners	Employment Appeals Tribunal	Total
2011	1,254	1,156	9,206	8,458	20,074
2010	1,452	1,193	15,671	8,778	27,094
2009	1,433	1,571	14,569	9,458	27,031
2008	1,179	1,317	10,900	5,457	18,853
2007	924	1,283	9,077	3,173	14,457

Source: the relevant agencies

¹ Referrals to Conciliation Service only

INDUSTRIAL RELATIONS CLIMATE IN 2011

The number of days lost due to industrial disputes in 2011 was 3,695, a reduction of 56% on the corresponding figure for 2010.

There were 8 industrial disputes in 2011, affecting 1,384 workers and 8 firms.

Industrial disputes: Last 5 years

Category	2011	2010	2009	2008	2007
No. of Disputes	8	14	23	12	6
No. of Firms	8	14	168	10	6
No. of Workers	1,384	511	278,228	356	1,436
No. of Days Lost	3,695	6,602	329,706	4,179	6,038

Source: Central Statistics Office

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THE LABOUR COURT

ANNUAL REPORT 2011 APPENDICES

APPENDIX 1

REFERRALS RECEIVED IN 2011

<i>Section /Act /Application</i>	2011	2010	Difference
Industrial Relations			
Section 32, Industrial Relations Act 1946 (Complaint by a union of breach of REA)	163	199	-36
Section 33(1), Industrial Relations Act 1946 (Interpretation of REA)	22	107	-85
Section 33(3), Industrial Relations Act 1946 (Interpretation of REA – ref by Court of Law)	0	0	0
Section 43(1), Industrial Relations Act 1990 (Interpretation of code of practice)	0	0	0
Section 57(1), Industrial Relations Act 1946 (Question of scope of JLC or ERO)	2	6	-4
Section 10, Industrial Relations Act 1969 (Complaint of breach of REA)	136	129	+7
Section 13(9), Industrial Relations Act 1969 (Appeal against Rights Commissioner's Recommendation)	146	184	-38
Section 20(1), Industrial Relations Act 1969 (Cases referred directly by the Union or workers - advance acceptance of Recommendation)	133	121	+12
Section 20(2), Industrial Relations Act 1969 (Cases referred directly by the parties - advance acceptance of Recommendation)	6	9	-3
Section 26(1), Industrial Relations Act 1990 (Cases referred to the Court by the LRC)	193	229	-36
Section 26(3), Industrial Relations Act 1990 (Cases referred to the Court by the LRC without conciliation)	0	0	0
Section 26(5), Industrial Relations Act 1990 (Cases referred to the Court in exceptional circumstances)	0	1	-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)	4	7	-3
Section 6(1), Industrial Relations (Amendment) Act 2001 (Request for Determination in relation to Recommendation)	0	0	0
Section 10(1), Industrial Relations (Misc. Prov.) Act 2004 (Appeal against Rights Commissioner's Decision – re victimisation)	0	0	0
Section 28(1) and Section 29(2), Industrial Relations Act 1946 (Report of hearing REA variation and cancellation)	0	0	0
Section 7, Industrial Relations Act 1969 (interpretation re pay and conditions)	0	1	-1
Total Industrial Relations Cases	805	993	-188
Equality			
Section 77(12), Employment Equality Act 1998 (Appeal against decision of Director of Equality Tribunal - time limit)	2	8	-6
Section 83, Employment Equality Act 1998 (Appeal against decision of Director of Equality Tribunal)	58	79	-21
Section 77A(2)(a), Employment Equality Acts 1998 to 2008 (Appeal against Decision of Director of Equality Tribunal)	6	1	+5
Section 81(4), Pensions Act 1990 (Case referred to Court outside time limit)	1	0	+1
Total Equality Cases	67	88	-21

Organisation of Working Time			
Section 28(1), Organisation of Working Time Act 1997 (Appeal against a Rights Commissioner's decision)	119	139	-20
Section 28(8), Organisation of Working Time Act 1997 (Complaint that Rights Commissioner's decision was not implemented)	130	140	-10
Total Organisation of Working Time cases	249	279	-30

REFERRALS RECEIVED IN 2011 APPENDIX 1 - continued

<i>Section / Act / Application</i>	2011	2010	Difference
National Minimum Wage			
Section 27(1), National Minimum Wage Act 2000 (Appeal against decision of a Rights Commissioner)	13	16	-3
Section 31(1), National Minimum Wage Act 2000 (Complaint that Rights Commissioner's decision was not implemented)	11	5	+6
Total National Minimum Wage cases	24	21	+3
Protection of Employees (Part-time Work)			
Section 17(1) Protection of Employees (Part-time Work) Act 2001 (Appeal against decision of a Rights Commissioner)	13	10	+3
Section 17(8) Protection of Employees (Part-time Work) Act 2001 (Complaint that Rights Commissioner's decision was not implemented)	0	0	0
Total Part-time Work cases	13	10	+3
Protection of Employees (Fixed-Term Work)			
Section 15(1) Protection of Employees (Fixed-Term Work) Act 2003 (Appeal against decision of a Rights Commissioner)	51	42	+9
Section 15(8) Protection of Employees (Fixed-Term Work) Act 2003 (Complaint that Rights Commissioner's decision was not implemented)	17	3	+14
Total Fixed Term Work cases	68	45	+23
Safety, Health and Welfare at Work			
Section 29(1) Safety, Health and Welfare at Work Act 2005 (Appeal against decision of a Rights Commissioner)	25	16	+9
Section 29(8) Safety, Health and Welfare at Work Act 2005 (Complaint by employee that Rights Commissioner's Decision has not been implemented)	0	0	0
Total Safety, Health and Welfare cases	25	16	+9
Employee Information and Consultation			
Section 15(1) Employees (Provision of Information and Consultation) Act 2006 (Cases referred directly to the Court)	1	0	+1
Total Information & Consultation Cases	1	0	+1
Exceptional Collective Redundancies			
Section 7(1)(a), Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007 (Request by Minister for opinion on Collective Redundancies)	0	0	0
Total Exceptional Collective Redundancies Cases	0	0	0
Health			
Section 55M(11) Health Act 2004 (Appeal against Rights Commissioner's Decision under this Act)	2	0	+2
Total Health Cases	2	0	+2
TOTAL REFERRALS RECEIVED	1,254	1452	-198

APPENDIX 2

CASES COMPLETED IN 2011

<i>Section / Act / Application</i>	2011	2010	Difference
Industrial Relations			
Section 32, Industrial Relations Act 1946 (Complaint by a union of breach of REA)	164	240	-76
Section 33(1), Industrial Relations Act 1946 (Interpretation of REA)	27	25	+2
Section 33(3), Industrial Relations Act 1946 (Interpretation of REA – ref by Court of Law)	0	0	0
Section 10, Industrial Relations Act 1969 (Complaint of breach of REA)	103	83	+20
Section 13(9), Industrial Relations Act 1969 (Appeal against Rights Commissioner's Recommendation)	108	116	-8
Section 20(1), Industrial Relations Act 1969 (Cases referred directly by the Union or workers- advance acceptance of Recommendation)	80	94	-14
Section 20(2), Industrial Relations Act 1969 (Cases referred directly by the parties- advance acceptance of Recommendation)	7	11	-4
Section 26(1), Industrial Relations Act 1990 (Cases referred to the Court by the LRC)	196	188	+8
Section 26(3), Industrial Relations Act 1990 (Cases referred to the Court by the LRC without conciliation)	0	0	0
Section 26(5), Industrial Relations Act 1990 (Cases referred to the Court in exceptional circumstances)	0	1	-1
Section 43(1), Industrial Relations Act 1990 (Interpretation of code of practice)	0	1	-1
Section 43(2), Industrial Relations Act 1990 Complaint of Breach of Code of Practice	0	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)	3	2	+1
Section 6(1), Industrial Relations (Amendment) Act 2001 (Request for Determination in relation to Recommendation)	0	0	0
Section 10(1), Industrial Relations (Misc. Prov.) Act 2004 (Appeal against Rights Commissioner's Decision – re victimisation)	0	0	0
Section 28(1) and Section 29(2), Industrial Relations Act 1946 (Report of hearing REA variation and cancellation)	0	0	0
Section 57(1), Industrial Relations Act 1946 (Question re scope of JLC or ERO)	0	7	-7
Section 7, Industrial Relations Act 1969 (interpretation re pay and conditions)	0	1	-1
Total Industrial Relations Cases	688	769	-81
Equality			
Section 24, Employment Equality Act 1977 (Complaint that Court's Determination not implemented)	0	0	0
Section 77(2), Employment Equality Act 1998 (Cases re dismissal arising from discrimination or victimisation)	0	0	0
Section 77(12), Employment Equality Act 1998 (Appeal against decision of Director of Equality Tribunal - time limit)	2	5	-3
Section 83, Employment Equality Act 1998 (Appeal against decision of Director of Equality Tribunal)	49	35	+14
Section 77A(2)(a), Employment Equality Acts 1998 to 2008	1	1	0

Total Equality Cases	52	41	+11
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APPENDIX 2 - continued
CASES COMPLETED IN 2011 - continued

<i>Section / Act / Application</i>	2011	2010	Difference
Organisation of Working Time			
Section 28(1), Organisation of Working Time Act 1997 (Appeal against a Rights Commissioner's decision)	76	91	-15
Section 28(8), Organisation of Working Time Act, 1997 (Complaint that Rights Commissioner's decision was not implemented)	131	134	-3
Total Organisation of Working Time Cases	207	225	-18
National Minimum Wage			
Section 27(1), National Minimum Wage Act 2000 (Appeal against decision of a Rights Commissioner)	8	12	-4
Section 31(1), National Minimum Wage Act 2000 (Complaint that Rights Commissioner's decision was not implemented)	12	4	+8
Total National Minimum Wage Cases	20	16	+4
Protection of Employees (Part-time Work)			
Section 17(1) Protection of Employees (Part-time Work) Act 2001 (Appeal against decision of a Rights Commissioner)	5	4	+1
Section 17(8) Protection of Employees (Part-time Work) Act 2001 (Complaint that Rights Commissioner's decision was not implemented)	0	0	0
Total Part-time Work Cases	5	4	+1
Protection of Employees (Fixed-Term Work)			
Section 15(1) Protection of Employees (Fixed-Term Work) Act 2003 (Appeal against decision of a Rights Commissioner)	17	19	-2
Section 15(8) Protection of Employees (Fixed-Term Work) Act 2003 (Complaint that Rights Commissioner's decision was not implemented)	14	2	+12
Total Fixed Term Work Cases	31	21	+10
Employee Safety, Health & Welfare			
Section 29(1) Safety, Health and Welfare at Work Act 2005 (Appeal against decision of a Rights Commissioner)	14	7	+7
Section 29(8) Safety, Health and Welfare at Work Act 2005 (Complaint by employee that Rights Commissioner's Decision has not been implemented)	0	0	0
Total Safety, Health & Welfare Cases	14	7	+7
Employee Information and Consultation			
Section 15(1) Employees (Provision of Information and Consultation) Act 2006 (Cases referred to the Court by LRC)	1	1	0
Total Information and Consultation Cases	1	1	0
Exceptional Collective Redundancies			
Section 7(1)(a), Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007 (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)	1	2	-1
<i>Total Health Cases</i>	1	2	-1
<i>TOTAL</i>	1,019	1,086	-67

APPENDIX 3

JOINT LABOUR COMMITTEES IN EXISTENCE AT 31 DECEMBER, 2011

1. Aerated Waters and Wholesale Bottling Joint Labour Committee
2. Agricultural Workers Joint Labour Committee
3. Catering Joint Labour Committee
4. Catering Joint Labour Committee (County Borough of Dublin and Borough of Dún Laoghaire)
5. Clothing Sector Joint Labour Committee
6. Contract Cleaning Joint Labour Committee
7. Hairdressing Joint Labour Committee
8. Hotels Joint Labour Committee
9. Hotels (for the areas known until 1st January 1994 as the County Borough of Dublin and the Borough of Dun Laoghaire) Joint Labour Committee
10. Law Clerks Joint Labour Committee
11. Provender Milling Joint Labour Committee
12. Retail Grocery and Allied Trades Joint Labour Committee
13. Security Industry Joint Labour Committee

APPENDIX 4

EMPLOYMENT REGULATION ORDERS MADE IN 2011

The following Employment Regulation Order was made in 2011, setting minimum rates of pay and regulating conditions of employment in the sector concerned. This Order was made by the Labour Court following proposals by the Joint Labour Committee mentioned.

Joint Labour Committee	Statutory Instrument Number of ERO
Retail Grocery and Allied Trades JLC	S.I. No. 213 of 2011

APPENDIX 5

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 M. O'Donoghue
Labour Court

2. Joint Industrial Council for the Dublin Wholesale Fruit and Vegetable Trade

Date of Registration: 27th January 1964
Secretary: Ms M. O'Donoghue
Labour Court

3. Joint Industrial Council for the Construction Industry

Date of Registration: 26th July 1965
Secretary: Ms M. O'Donoghue
Labour Court

4. Joint Industrial Council for the Security Industry

Date of Registration: 12th December 2011
Secretary: Ms. M. O'Donoghue
Labour Court

5. Joint Industrial Council for the Contract Cleaning Industry

Date of Registration: 19 December 2011
Secretary: Ms. M. O'Donoghue
Labour Court

APPENDIX 6

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. In the 65 years since it was set up, the role of the Court has evolved and expanded, principally by the addition in recent years of an adjudicative role in relation to a wide range of employment rights as set down in various statutes.

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 2004 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 Labour Relations Commission (by way of conciliation meetings 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 Labour 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 Rights Commissioners’ recommendations*

An industrial relations dispute involving one worker may be referred first to a Rights Commissioner for a Recommendation. The Rights Commissioner’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 the note on page 25 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 decisions of other Employment Rights bodies whose function it is to investigate claims or complaints made under the relevant legislation.

- Employment Equality

Where a claim of discrimination in relation to employment has been made to the Director of the Equality Tribunal under the Employment Equality Acts 1998 to 2007, and the Director has issued a decision in relation to the claim, either of the parties may appeal that decision to the Labour Court. The Court will arrange a Hearing on the appeal and will issue a ‘*Determination*’.

- Other Employment Rights

In recent years, a wide range of employment rights has been set down in various Acts of the Oireachtas. Where a complaint has been made to a Rights Commissioner alleging a breach of any of the employment rights statutes listed below, the Decision of the Rights Commissioner may

be appealed to the Labour Court and the Court, having heard the parties, will issue a Determination.

Also, where an employer has failed to comply with the Decision of the Rights Commissioner in any case and hasn't appealed that Decision to the Labour Court, the worker may after a specified time complain to the Labour Court and the Court will issue an enforceable '*Determination*'.

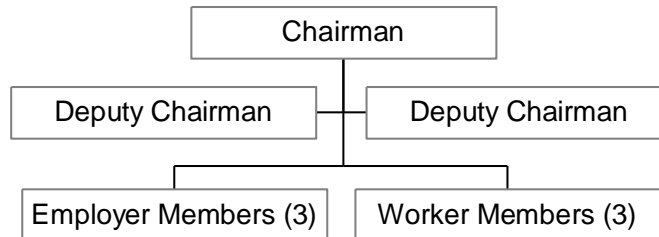
These functions of the Court arise mainly under the following Acts:

- the Organisation of Working Time Act 1997
- the National Minimum Wage Act 2000
- the Protection of Employees (Part-Time Work) Act 2001
- the Protection of Employees (Fixed-Term Work) Act 2003
- the Safety, Health and Welfare at Work Act 2005

APPENDIX 7

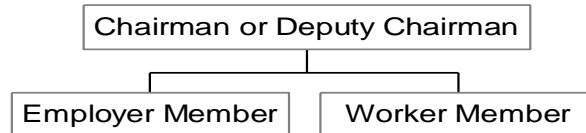
STRUCTURE OF THE LABOUR COURT AND LABOUR COURT ADMINISTRATION

The Labour Court consists of 9 members - a Chairman, 2 Deputy Chairmen and 6 ordinary Members (3 representing workers and 3 representing employers). The Labour Court also has a legal adviser who is known as the Registrar.



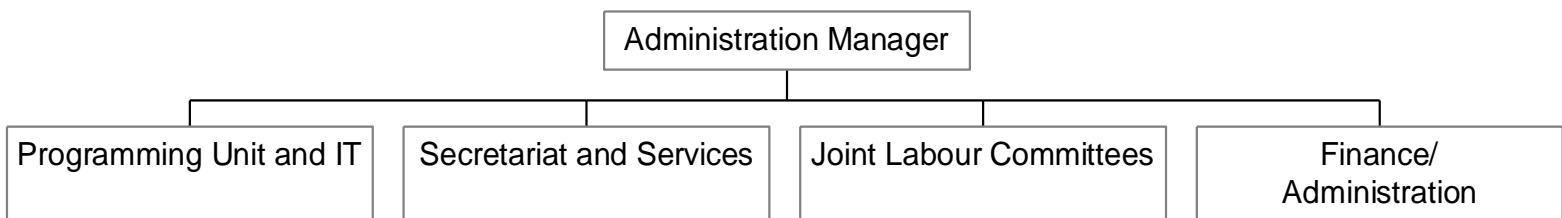
HEARINGS OF THE COURT

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



A Court Secretary also attends each hearing.

THE LABOUR COURT ADMINISTRATION



APPENDIX 8

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.labourcourt.ie

<u>Query</u>	<u>Relevant Section of the Labour Court</u>	<u>Contact</u>
About a particular case, <u>before</u> the hearing	Programming Section	(01) 6136608, 6136611, 6136650, 6136610
About a particular case, <u>after</u> the hearing	Relevant Court Secretary	As indicated at the hearing
<ul style="list-style-type: none">• Joint Labour Committees• Registered Employment Agreements• Employment Regulation Orders• National Minimum Wage• Hairdressing apprenticeship registrations	{ Joint Labour Committees/Joint Industrial Councils Section	(01) 6136638, 6136639, 6136640, 6136641, 6136642 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

