



An Binse Achomhairc Fostaíochta
Employment Appeals Tribunal

Employment Appeals Tribunal

Annual Report

2016

**Presented to the Minister for Jobs, Enterprise and Innovation under
Section 39 (18) of the Redundancy Payments Acts 1967 to 2014**

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An Binse Achomhairc Fostaíochta
Employment Appeals Tribunal

Mission Statement

‘To provide an inexpensive and relatively informal means for the adjudication of disputes on employment rights under the body of legislation that comes within the scope of the Tribunal’.

Chairman's Foreword

Dear Minister,

I am pleased to submit to you the 49th Annual Report of the Employment Appeals Tribunal for the year 2016, in accordance with Section 39(18) of the Redundancy Payments Acts 1967 to 2014. This is my last full year Annual Report.

The Tribunal is an independent quasi-judicial body. Uniquely among all employment bodies, it exclusively deals with individual employment rights issues. It has jurisdiction under several pieces of legislation to deal with issues that arise either during the course of employment or on the termination of the employment relationship, the latter forming the most significant part of its work. The Tribunal makes its decisions based on oral evidence, including cross examination of witnesses. The hearings before the Tribunal are in public. However, under the Unfair Dismissal Acts a claimant was afforded the choice to elect between having the unfair dismissal claim dealt with in private before a Rights Commissioner or in public before the Tribunal. In general, around 65% of claimants elected to have their unfair dismissal claim heard by the Tribunal.

The disputes arising on the termination of the employment relationship are heard under the Unfair Dismissals Acts, the Redundancy Acts, the Minimum Notice and Terms of Employment Acts and the Protection of Employees (Employer's Insolvency) Acts. Complaints against the Decision of the Minister for Social Protection on employees' rights when an employer had been declared insolvent are also made directly to the Tribunal. Finally, claims in respect of holiday entitlements existing at the time of the termination of the employment relationship may be included with any other claim, appeal or complaint instituted before the Tribunal.

Under the recent reform, the Tribunal is being abolished. The 1st October 2015 was vesting day for the new structure as established by the Workplace Relations Act 2015. Thus, with one exception, no claims were referred to the Tribunal. The exception was claims for implementation of the Rights Commissioner's recommendations under certain legislation, the most common being under the Unfair Dismissal Acts, Terms of Employment (Information) Acts and the European Communities (Protection of Employment) Regulations. In 2016 there was a mere 30 referrals. This is compared to a high number of referrals at 9,500 in 2009.

In 2016 the Tribunal disposed of 2,762 compared to 2,679 cases in 2015, an increase of almost 100 disposals. This fulfilled the Tribunal objective in 2016 to expedite the completion of its dealings with legacy cases. I would like to thank the members and the secretariat both of whose expertise, experience and commitment achieved this result. Thank you on behalf of the employees and employers who found themselves in dispute.

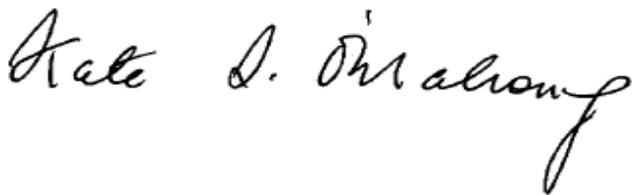
The Tribunal extends its thanks to Ms Sinead Behan, BL and Mr Sean Mahon, both vice chairs, who resigned in 2016. I would particularly like to thank Ms Moya Quinlan, who also retired this year, for her extraordinary contribution and commitment to the

Tribunal, over the period 1979-2016. Moya's support to me was always above and beyond what was expected and it was greatly appreciated. I want to wish them all well for the future.

The Tribunal extends its condolences to the wife and family of the late Maurice Gaffney SC, former Chairman of the Tribunal from 1977 to 1985. Maurice gave a tremendous service to his clients and attended at the Four Courts for most of his hundredth year. Ar dheis Dé go raibh a anam.

I thank the Minister and the Department for facilitating the work of the Tribunal through the provision of resources in 2016.

Yours sincerely

A handwritten signature in black ink that reads "Kate T. O'Mahony". The signature is written in a cursive style with a large, flowing 'y' at the end.

Kate T O'Mahony
Chairman

2016 Members of the Tribunal

CHAIRMAN	Joe Revington S.C.	Dermot Peakin	Phil Ni Sheaghda
Kate T O'Mahony B.L.	Nicholas Russell	Pat Pierce	Owen Nulty
VICE-CHAIRMEN	Tom Ryan	Peter J Pierson	Seamus O'Donnell
Kieran Buckley	Jeremiah Sheedy	William Power	Michael O'Reilly
Pamela Clancy	Joseph Smith (CR)	John Reid	Ciaran Ryan
Charles Corcoran B.L.	Tony Taaffe	Máire Sweeney	Dave Thomas
Eithne Coughlan (CR)	Patrick Wallace (CR)	Liam Tobin	Paddy Trehly
Ann-Marie Courell B.L.		Jean Winters	Owen Wills
Fiona Crawford B.L.		EMPLOYEES' PANEL	Paddy Woods
Emile Daly B.L.	EMPLOYERS' PANEL	Frank Barry	
Dorothy Donovan B.L.	Gerry Andrews	Tom Brady	Secretary to the Tribunal
Catherine Egan B.L.	Joe Browne	Eveta Brezina	Ms Frances Gaynor
John Fahy B.L.	Michael Carr	Al Butler	
James Flanagan B.L.	Frank Cunneen	Finbarr Dorgan	
Veronica Gates B.L.	Moss Flood	James Dorney	
Myles Gilvarry	Angela Gaule	Noel Dowling	
Bernadette Glynn	Tom L Gill	Patsy Doyle	
Dara Hayes B.L.	James Goulding	John Flannery	
Graham Hanlon	Eamon C Handley	John Flavin	
Eamon Harrington	Don Hegarty	Tom J Gill	
David Herlihy	James Hennessy	Noirin Greene	
Patrick Hurley	John Horan	Helen Henry	
Elva Kearney B.L.	Ben Kealy	Thomas A Hogan	
Margaret Levey B.L.	J J Killian	James Jordan	
James M Lucey	Con Lucey	Hilary Kelleher	
Dermot MacCarthy S.C.	Gerry McAuliffe	Suzanne Kelly	
Orna Madden B.L.	Cyril McHugh	Frank Keoghan	
Roderick Maguire B.L.	Finbar Moloney	Rosabel Kerrigan	
Mary McAveety	Don Moore	Sean Mackell	
Jeananne McGovern B.L.	Desmond Morrison	Michael McGarry	
Penelope McGrath B.L.	Roger F Murphy	Alice Moore	
Sandra McNally	Michael Noone	Joe Maher	
Fintan J Murphy (CR)	William O'Carroll	Mary Maher	
Eamonn Murray	Tom O'Grady	Dominic McEvoy	
Niamh O'Carroll Kelly B.L.	Aidan O'Mara	Jim Moore	
Jeremiah O'Connor	James O'Neill	Maire Mulcahy	
Peter J O'Leary B.L.	Neil Ormond	Helen Murphy	

¹ (CR) refers to County Registrars

² During 2016, 3 members resigned, Moya Quinlan, Sinead Behan, BL, and Sean Mahon

2016 Composition of the Tribunal

At the beginning of 2016 the Tribunal consisted of a Chairman, 46 Vice-Chairmen and a panel of 72 other members, nominated by the Irish Congress of Trade Unions and by organisations representative of employers. During 2016 three Vice Chairmen resigned.

The Secretariat

The Secretariat is responsible for the administration of cases referred to the Tribunal under various employment rights legislation. Its role is to provide administrative support to the Tribunal. Civil Servants, assigned by the Department of Jobs, Enterprise and Innovation, comprise the staff of the Secretariat of the Tribunal. The Secretary of the Tribunal is Ms Frances Gaynor.

Chapter 1 – Case Statistics

1.1 Cases Disposed of in 2016

Overview of Cases Disposed

First Instance

	Allowed	Dismissed	Withdrawn during Hearing	Withdrawn prior to hearing	Total
Redundancy	210	93	21	297	621
Minimum Notice and Terms of Employment	154	99	25	338	616
Unfair Dismissal	137	165	83	586	971
Protection of Employees (Employers' Insolvency)	0	2	0	0	2
Organisation of Working Time	36	20	13	52	121
TOTAL	537	379	142	1,273	2,331

Appeals

	Upheld	Upset	Varied	Withdrawn	Total
Unfair Dismissal	27	14	6	48	95
Maternity Protection	0	1	0	0	1
Payment of Wages	27	20	3	147	197
Terms of Employment (Information)	18	6	3	23	50
Parental	1	0	0	0	1
TOTAL	73	41	12	218	344

Breakdown of Appeals based on cases initiated by Employees or Employers

	Upheld	Upset	Varied	Withdrawn	Total
Employees	51	27	7	163	248
Employers	22	14	5	55	96
TOTAL	73	41	12	218	344

Implementations

	Upheld	Upset	Varied	Withdrawn	Total
Unfair Dismissal	33	1	0	14	48
Terms of Employment (Information)	23	0	0	16	39
TOTAL	56	1	0	30	87

Profile of Cases Disposed

Legislation		% of Total Disposed in 2016	2016	2015
Redundancy Payment Acts 1967-2014	RP	22.48%	621	520
Minimum Notice and Terms of Employment Acts 1973-2005	MN	22.30%	616	519
Unfair Dismissals Acts 1977-2007	UD	40.33%	1,114	1183
Protection of Employees (Employers' Insolvency) Acts 1984-2012	I	0.07%	2	22
Organisation of Working Time Act 1997	WT	4.38%	121	138
Maternity Protection Acts 1994 and 2004	M	0.04%	1	1
Payment of Wages Act 1991	PW	7.13%	197	172
Terms of Employment (Information) Acts 1994-2014	TE	3.22%	89	121
Parental Leave Acts 1998 and 2006	PL	0.04%	1	3
TOTAL		100%	2,762	2,679

The number of cases disposed of rose from 2,679 in 2015 to 2,762 in 2016, which was an **increase** of 83 or **3.3%**.

The Tribunal's focus during 2016 was to expedite its legacy cases i.e. those cases still on hand after the establishment of the Workplace Relations Commission on 1st October 2015. It also increased the pace of preparing for its wind down and dissolution in line with the Workplace Relations Act 2015.

The largest category of claims disposed in 2016 was unfair dismissal claims at 40%, followed by Redundancy Payment at 22% and Minimum Notice at 22%. This mirrors the top three categories of disposed cases in 2015.

The Tribunal awarded compensation amounting to **€2,172,470.12** in 156 Unfair Dismissal cases. The average compensation awarded by the Tribunal was **€13,926.09**. In addition to compensation, re-instatement was ordered in 1 case and no re-engagements were ordered in 2016.

Profile of Unfair Dismissal Awards in 2016

Compensation Award €	Number	Compensation Award €	Number
0	4	5001-6000	4
1-250	1	6001-7000	7
251-500	2	7001-8000	6
501-750	1	8001-9000	4
751-1000	6	9001-10000	7
1001-2000	11	10001-15000	23
2001-3000	7	15001-20000	19
3001-4000	5	20001-25000	9
4001-5000	20	>25001	20

1.2 Cases Referred in 2016

ACT	2016	2015
Unfair Dismissal	15	43
Terms of Employment (Information)	15	54
TOTAL	30	97

The Workplace Relations Act 2015 provided for the establishment of the Workplace Relations Commission, which effectively took over the EAT's functions in relation to first instance claims from 1st October 2015. It also provided for the expansion of the Labour Court to which the appellate function of the Tribunal was transferred from the same date. Therefore, from October 2015, the Employment Appeals Tribunal no longer accepted claims or appeals. The Tribunal retained its implementation function in respect of Rights Commissioners' recommendations. (Chapter 6 sets out further details in this regard).

The number of implementations received in 2016 was 30 compared with 97 in 2015, a decrease of **69%**. As in 2015, implementations referred in 2016 were under Unfair Dismissal and Terms of Employment (Information) Acts. It is intended that the Department of Jobs Enterprise and Innovation will legislate to end this function when the Department's legislative programme allows.

1.3 List of Acts with no cases referred or disposed of in 2016

- Adoptive Leave Acts 1995 and 2005
- Protection of Young Person (Employment) Act 1996
- Protection for Persons Reporting Child Abuse Act 1998
- European Communities (Protection of Employment) Regulations 2000
- Carer's Leave Act 2001
- Competition Acts 2002 to 2014
- European Communities (Protection of Employees' on Transfer of Undertakings) Regulations 2003
- Consumer Protection Acts 2007 and 2014
- Chemicals Acts 2008 and 2010

Chapter 2 – Representation at hearings

2.1 Cost and Representation

Bringing a claim to the Tribunal is a free service. A party to a hearing before the Tribunal may be heard in person, or may be represented by a trade union official, a representative of an employers' organisation, a solicitor, a barrister or, with the consent of the Tribunal, by any other person. If a party chooses to be represented they will be responsible for all the costs of such representation. The legislation does not require that a party be represented at a hearing.

The Tribunal may not award costs against any party unless, in its opinion, a party has acted frivolously or vexatiously. Such costs are confined to a specified amount in respect of travelling expenses and any other costs or expenses reasonably incurred by the other party in connection with the hearing, but shall not include any amount for the attendance of counsel or solicitors, officials of a trade union, or representatives from an employers' association.

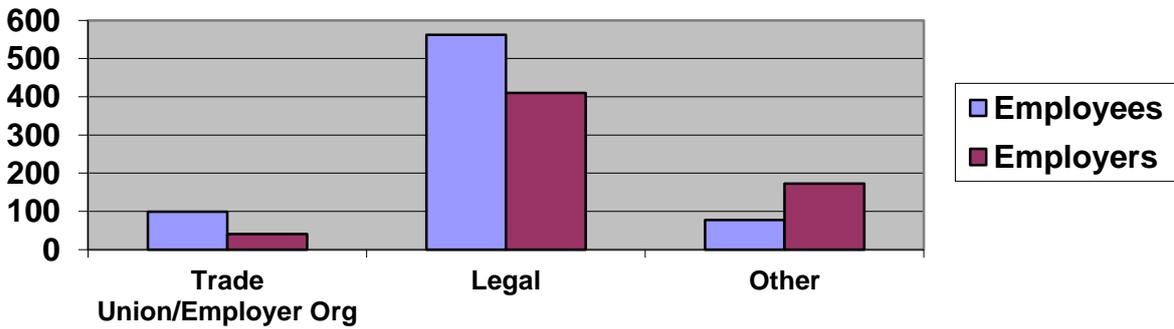
2.2 Representation in 2016

Details of the representation under the various Acts or combination of Acts in 2016 are as follows:

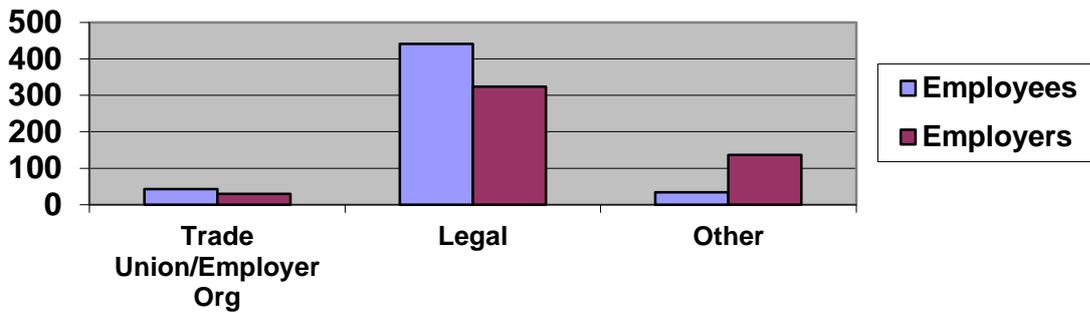
In 2016, **738 employees** had representation at hearings before the Tribunal. Of these, **99** cases involved representation by Trade Unions, **562** by legal representatives and **77** by other persons. In this period, **employers** had representation in **624** cases. Of these, **41** involved legal representatives, **410** other persons and **173** employers' associations.

As in 2015, the highest level of representation in 2016 was in Unfair Dismissal cases. In 2016 in such cases, **518 employee** parties had representation (**43** by trade unions, **441** by legal representatives and **34** by other persons) and **490 employer** parties had representation (**30** by employers' associations, **324** by legal representatives and **136** by other persons).

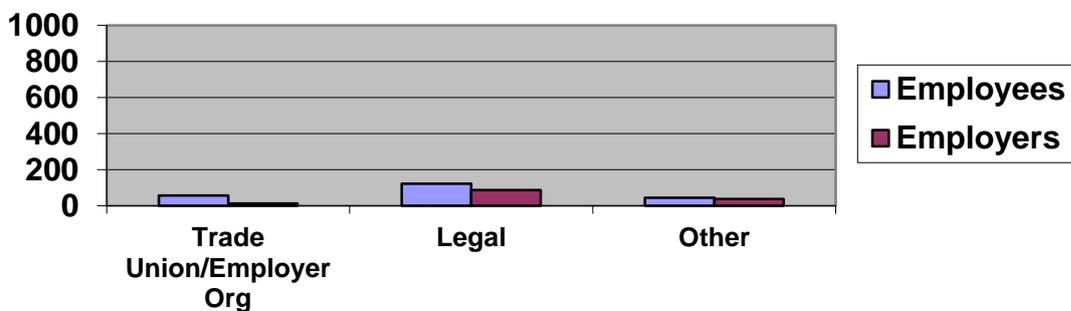
Representation under all Acts in 2016



Representation under Unfair Dismissal Acts in 2016



Representation under all Acts excluding UD in 2016



Chapter 3 – Hearings

3.1 Attending at Tribunal Hearings

Tribunal hearings are held in public, in accordance with statute. However, an application may be made to have a case heard *in camera* (private) in particular and rare circumstances.

The weekly schedule of Tribunal hearings is now published on the website www.workplacerelations.ie. In addition to the parties to a particular case, Tribunal hearings are regularly attended by those whose cases may be pending who wish to see in advance the procedure of hearings, members of the public with an interest in employment rights, voluntary sector groups (in particular groups from the Citizens' Information Centres), and from community law groups.

The Tribunal receives requests to attend from third-level and postgraduate students. These requests generally focus on employment rights legislation and the role of the Tribunal. To facilitate groups it is advisable for parties to contact the Tribunal secretariat in advance to ensure accommodation.

Information about the Tribunal's process can be found in its booklet '*Guidelines for Employees, Employers and Practitioners appearing before the Employment Appeals Tribunal*'. This booklet can be found on the Tribunal pages on www.workplacerelations.ie

3.2 Hearings and Venues

In 2016 the Tribunal sat on **236** days and hearings were held at **22** different venues throughout the country to suit appellants and respondents.

The number of divisions sitting per day varied, with 6-7 being the usual number of divisions sitting per day. The following tables sets out the venues per Province.

Leinster	Munster	Connaught	Ulster
Carlow	Cork	Carrick-on-Shannon	Cavan
Dublin	Ennis	Castlebar	Monaghan
Kilkenny	Horse & Jockey	Galway	Letterkenny
Mullingar	Killarney	Roscommon	
Portlaoise	Limerick	Sligo	
Tullamore	Thurles		
Wexford	Waterford		

Over the course of 2016 the waiting period decreased significantly, as the Tribunal was primarily dealing with legacy cases.

Chapter 4 – Applications/Facilities

The Tribunal is committed to quality customer service and to delivering a service, having regard to available resources, that is both effective and efficient, and which at all times is provided in a courteous manner. The Tribunal respects the rights of all parties to a case. A copy of our Customer Service Charter is available in both Irish and English on the Tribunal's page of www.workplacerelations.ie.

4.1 Tribunal Applications

Applications can be made for the postponement of a hearing, for witness summons and a summons for the production of documents, to expedite a hearing, to extend the hearing for longer period than initially allowed (half day), to withdraw a claim with liberty to re-enter where a settlement has been reached between the parties and extend the time for re-entry of the claim, if required. Applications must be made in front of a sitting Division of the Tribunal. Applications are taken twice a day in Davitt House (before 10am and 2pm daily) and relevant weekly locations. Late applications will go forward to the next sitting.

In recent years the Tribunal has received requests relating to the use of stenographers, Skype/Video conferencing and CCTV evidence. Information regarding these can be found in the Tribunal's booklet '*Guidelines for Employees, Employers, and Practitioners appearing before the Employment Appeals Tribunal*'.

Postponements

When cases are set down for hearing by the Tribunal, it is the Tribunal's aim that dates are notified to the parties on average five to six weeks in advance. Postponements may be granted only in exceptional circumstances. If a postponement is sought immediately, or within five working days of receiving the notice of hearing and the consent of the other party to the case has been obtained, it may be granted. If a postponement is sought later and/or without the consent of the other party, it is unlikely to be granted. This setting down system, designed primarily for the convenience of parties, renders some applications for postponements inevitable but outside the control of the Tribunal. Postponements, which are applied for too close to the date of hearing and are granted, result in the loss of scheduled Tribunal sitting time. This loss of time adversely affects the setting down system, increases costs, and results in further delays between the date of referral of a claim and the date of hearing for all claimants.

In 2016, the total number of postponement applications was **460** of which **354** were granted and **106** refused. This resulted in **114.5** lost sitting days. This compares with a total of **550** postponement applications for 2015 of which **388** were granted, **162** were refused and resulted in **149.5** lost sitting days.

4.2 Interpreters

If a party feels that an interpreter is essential to the hearing of the claim, they can apply to the Tribunal secretariat by letter or email (EAT@djei.ie) for an interpreter, indicating the language required. The Tribunal asks that such requests are made at least two weeks in advance of the hearing date.

In 2016, **248** language requests were made and these included, *inter alia*, Polish, Mandarin and Tagalog. This compares with 281 in 2015, a decrease of 12%.

4.3 Special Facilities/Accessibility

The Tribunal's offices at Davitt House in Dublin are fully accessible and one of the rooms is fitted with a hearing loop system. The Tribunal, on request, will take all practicable steps to provide special facilities for a person with disabilities and/or other special needs. During 2016 there were no requests for audio equipment.

Parties are asked to notify the Tribunal secretariat well in advance of the hearing if special facilities are required.

4.4 Determinations of the Tribunal

The Tribunal maintains a public Register of its Decisions and Determinations, in accordance with statute. The Register is open for inspection, free of charge, by any member of the public during normal business hours at its offices in Davitt House, 65A Adelaide Road, Dublin 2. Determinations are also available on the website.

4.5 Withdrawing a Case

A case can only be withdrawn by the claimant/appellant or their representative. Parties can withdraw a case by advising the secretariat by letter, fax or email and using the word 'withdraw' in the contents of the correspondence. A respondent cannot withdraw a case on behalf of a claimant. Where a party is seeking to withdraw a case with liberty to re-enter (in

cases where the settlement may break down), they must do so in front of a sitting division of the Tribunal.

Chapter 5 – Employment Appeals Tribunal Records

5.1 Data Protection

The Employment Appeals Tribunal holds data on all applications received. Data Protection is the safeguarding of the privacy rights of individuals in relation to the processing of personal data. The Data Protection Acts 1988 and 2003 confer rights on individuals as well as responsibilities on those persons processing personal data. Personal data, as covered by the Data Protection Acts, relates to the information on individuals and or sole traders only.

5.2 Freedom of Information (FOI)

The FOI Act 2014 provides that every person has the following legal rights:

- the right to access official records held by Government Departments and all public bodies that conform to the provisions of Section 6 of the Act;
- the right to have personal information held on them corrected or updated where such information is incomplete, incorrect or misleading; and
- the right to be given reasons for decisions taken by public bodies that affect them.

The FOI Act 2014 brought the Employment Appeals Tribunal within its remit from 14 April 2015. From 14 April 2015, a person can seek access to any records relating to them personally, no matter when they were created. They can ask for any other records created after 21 April 2008. Requests under the Act should be sent, either in writing or by email, to the Freedom of Information Officer, Employment Appeals Tribunal, Davitt House, 65A, Adelaide Road, Dublin 2; Fax:+353 (1) 631 3266/ 3329; e-mail: eat@djei.ie. Further information can be found on the EAT page of the website www.workplacerelations.ie

In 2016 the Tribunal received **14** requests under Freedom of Information compared with **20** received from 14 April – 31 December 2015

5.3 Archiving of Files

The Employment Appeals Tribunal is a scheduled body under the National Archives Act 1986. In general, records, which are more than 30 years old and held by scheduled bodies, must be transferred to the National Archives and be made available for inspection by the public. Following an inspection by officers of the National Archives on 6th April 2011, the National Archives have authorised, pursuant to section 7(3) of the National Archives Act 1986, that records referred to in the certificate (i.e. appeals under the relevant legislation) do

not warrant preservation by the National Archives and have authorised their disposal in accordance with section 7(5) of the Act. The chairman of the Employment Appeals Tribunal has directed that case files completed 12 years ago or earlier can be destroyed annually.

During 2016 the Tribunal began the disposal of 12 year + case files and to date over **5,000** files have been disposed.

5.4 Irish Language Scheme

The Official Languages Act 2003 provides for the preparation by public bodies of a Language Scheme detailing the services which they will provide:

- through the medium of Irish,
- through the medium of English, and
- through the medium of Irish and English

and the measures to be adopted to ensure that any service not currently provided by the body through the medium of the Irish language will be so provided within an agreed timeframe.

In 2016, the Tribunal's Language Scheme was confirmed by the Minister for Arts, Heritage and the Gaeltacht and was published on the Tribunal's website in Irish and English.

During 2016 the Tribunal arranged for its Annual Report to be translated into Irish and provided **1** Irish language interpreter at a hearing.

Chapter 6 – Dissolution of the Employment Appeals Tribunal

6.1 Workplace Relations Act 2015

The Workplace Relations Act 2015 (No.16 of 2015) provides for the establishment of the Workplace Relations Commission (WRC). The Act provides that the WRC assume the roles and functions previously carried out by the National Employment Rights Authority (NERA), Equality Tribunal (ET), Labour Relations Commission (LRC), Rights Commissioners Service (RCS), and the first-instance functions of the Employment Appeals Tribunal (EAT). The Act also provides for the expansion of the Labour Court with the effect that, from the 1st October 2015, the Labour Court has sole appellate jurisdiction in all disputes arising under employment rights enactments.

From October 2015, the Employment Appeals Tribunal has no longer accepted claims or appeals. The Tribunal retained its implementation function in respect of Rights Commissioners' recommendations but it is intended that the Department of Jobs Enterprise and Innovation will legislate to end this function too. All new employment rights claims and appeals are being lodged with the Workplace Relations Commission and the Labour Court respectively since 1st October 2015.

6.2 Dissolution of the EAT

All cases already lodged with the Tribunal before 1st October 2015 (termed 'legacy cases') are being finalised by the Tribunal itself. During 2016, the Tribunal worked to expedite its legacy cases and has, consequently, continued its existence in parallel to the new structures. However, only a small number of cases remain to be heard by the Tribunal and it is expected that the majority of its work will be finished before October 2017. It is the Tribunal's intention to complete this work as efficiently as possible with a view to allowing its dissolution take place in accordance with Part 6 of the Workplace Relations Act.

Chapter 7 – Other Activities

7.1 Appeals to the Higher Courts

Determinations of the Tribunal, under some Acts, may be appealed on a point of law to the High Court. In 2016, the Tribunal was notified of 3 High Court cases, which include both Judicial Reviews and cases referred on a point of law, in which they were a named party. One case in which the EAT is a named party was appealed from the Court of Appeal to the Supreme Court in 2016.

In a landmark Judgment in 2016 in *Miley & Ors -v- EAT*, the Supreme Court decided unanimously that the EAT should not be primarily liable for costs because it did not participate in the High Court proceedings and also that the EAT did not act improperly.

Determinations by the Tribunal in cases under the Unfair Dismissals Acts may be appealed to the Circuit Court within six weeks of the date on which the Determinations are communicated to the parties. The procedure for appealing Tribunal Determinations is set out in Circuit Court Rules (www.courts.ie). The regulations also provide a means for the Tribunal to be informed of the referral and result of cases appealed to the Circuit Court. From information supplied approximately 131 cases (both appeals and enforcements) progressed to the Circuit Court.

7.2 European Association of Labour Court Judges

The Tribunal is a member of the European Association of Labour Court Judges. This body provides the forum for building upon the working relationship that already exists between employment rights bodies of Europe. It also develops a greater understanding of the statutory employment rights conferred on workers in Europe and the various systems for the vindication of those rights. A representative of the Tribunal participated in the 20th Annual conference co-ordinated by the Association on “*Too Young or Too Old?: Protecting Working Conditions for the New Age*” in June 2016 in Amsterdam. In light of the volume of EU employment law & Directives, Tribunal representation at these meetings ensures Members keep abreast of developments in the law at a European level.

Appendix 1: History and Composition of the Tribunal

The Redundancy Payments Act of 1967, which established the Redundancy Appeals Tribunal, was enacted on 18 December 1967. The creation of the Tribunal was considered an innovative move by the State in the area of employment rights. It was set up to ensure that a worker's statutory entitlement to redundancy was given the force as well as the full protection of the law. The Act thus established a forum within which the ordinary 'man in the street' could refer a case to have those rights vindicated. Apart from its continuing responsibility to hear appeals under the Redundancy Payments Acts, today, under its revised title, the Employment Appeals Tribunal now deals with cases under eighteen pieces of legislation. These range from cases for Unfair Dismissal to Minimum Notice, as well as hearing appeals from decisions and recommendations of the Rights Commissioner Service of the Labour Relations Commission.

The inaugural meeting of the first Redundancy Appeals Tribunal took place on 22 March 1968, under the guardianship and protection of the first sixteen Members appointed to the Tribunal. The first Chairman, Mr John Gleeson, led the Tribunal. It heard its first appeal on 18 April 1968. Between that date and 31 December 1968, the Tribunal sat on 75 days and heard a total of 133 appeals. 83 of those appeals were heard in Dublin, and the remaining 50 were heard at various other venues around the country. From the start it was clear that the Tribunal would have a countrywide and therefore a national dimension to its work. The Employment Appeals Tribunal continues the work started nearly 50 years ago.

The Tribunal acts in divisions, each consisting of either the chairman or a vice-chairman and two other members, one drawn from the employers' side of the panel and one from the trade union side. A vice-chairman of the Tribunal, when acting as chairman (at the request of the Minister or the chairman) has all the powers of the chairman. Appeals are heard in public unless the Tribunal, on the application of either party and in the exercise of its discretion, decides that the hearing be heard in private.

Appendix 2: Overview of Legislation

The Employment Appeals Tribunal is a statutory body established to deal with and adjudicate on employment disputes under the following statutes:

Redundancy Payments Acts 1967 to 2014

Minimum Notice and Employment Acts 1973 to 2005

Unfair Dismissals Acts 1977 to 2015

Protection of Employees (Employers' Insolvency) Acts 1984 to 2012

Organisation of Working Time Act 1997

Maternity Protection Acts 1994 and 2004

Payment of Wages Act 1991

Terms of Employment (Information) Acts 1994 to 2014

Adoptive Leave Acts 1995 and 2005

Protection of Young Person (Employment) Act 1996

Parental Leave Acts 1998 and 2006

Protections for Persons Reporting Child Abuse Act 1998

European Communities (Protection of Employment) Regulations 2000

Carer's Leave Act 2001

Competition Acts 2002 to 2014

European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003

Consumer Protection Acts 2007 and 2014

Chemicals Acts 2008 and 2010

These Acts have been amended by the Workplace Relations Act 2015. However, the Tribunal must operate, in relation to dealing with its legacy cases, on the basis of the unamended Acts.

Appendix 3: List of EAT Booklets and Guidelines

The booklets/Guidelines below are available on the Employment Appeals Tribunal's page on www.workplacerelations.ie unless otherwise stated.

1. *'Guidelines for Employees, Employers, and Practitioners appearing before the Employment Appeals Tribunal'* [October 2015 version] *(available in Irish and English)*
2. *Customer Service Charter 2015* *(available in Irish and English)*
3. *Appeal and implementation procedures open to employees who are in receipt of decisions from the Employment Appeals Tribunal* [July 2013 version] *(available in Irish and English)*
4. *Appeal and implementation procedures open to employers who are in receipt of decisions from the Employment Appeals Tribunal* [July 2013 version] *(available in Irish and English)*
5. *Irish Language Scheme 2015-2018* *(available in Irish and English)*
6. *Freedom of Information Publication Scheme 2016-2019* *(available in Irish and English)*

Appendix 4: Glossary of Terms

Claimant	the person bringing the case.
Respondent	the person or company against whom the case is brought
Appellant	the person or company appealing a decision.
Division	the Tribunal acts in divisions, each consisting of either the chairman or a vice chairman and two other members, one drawn from the employers' side of the panel and one from the trade unions' side; a vice chairman of the Tribunal, when acting as chairman (at the request of the Minister or chairman) has all the powers of the chairman.
Withdrawn	an application can only be withdrawn by the claimant or the claimant's representative.
Settlement	an agreement reached by the parties; this may happen before the hearing or at any time during the hearing; a determination will not issue in this case.
Liberty to re-enter	where the parties having reached agreement, the claim or appeal is withdrawn and a strict time limit is given by a division to re-enter the claim or appeal.
Disposed	cases that are withdrawn prior to a hearing, withdrawn during a hearing or on which a determination issues.
Representation	a party may appear without representation, or be represented by counsel or solicitor, or by a representative of a trade union or an employers' organisation or with the leave of the Tribunal by any other person.
Determination	a determination is the decision of the Tribunal recorded in a document signed by the chairman and sealed with the seal of the Tribunal.
Register	determinations of the Tribunal are entered in a register, which is open for inspection by any person without charge during normal hours at the offices of the secretariat of the Tribunal.

This Glossary of the more common terms used in relation to proceedings before the Tribunal is not exhaustive or intended to be a complete glossary. It is the 'ordinary man's' guide to those common terms and is intended to assist understanding of the terminology.

Appendix 5: Advisory and Information Bodies

Information and Customer Service

Workplace Relations Commission
O'Brien Road
Carlow
R93 W7W2
Tel: 059 9178990 or locall 1890808090
www.workplacerelements.ie

Adjudication Service

Workplace Relations Commission
Lansdowne House
Lansdowne Road
Dublin 4
Tel: 01 6313380
www.workplacerelements.ie

The Labour Court

Lansdowne House
Lansdowne Road
Dublin 4
Tel: 01 6136666 or locall 1890220228
www.workplacerelements.ie

The Companies Registration Office

Parnell House
14 Parnell Square
Dublin 1
D01 E6W8
Tel: +353 1 8045200
www.cro.ie

Redundancy Payments Section

Floor 2
Department of Social Protection
Block C
The Earlsfort Centre
Lower Hatch Street
Dublin 2
Tel: 01-6734500
www.welfare.ie

Citizens Information Phone Service

Tel: 076-1074000 (Mon-Fri 9am-8pm)
Check www.citizensinformation.ie for your nearest information centre

Inspection and Enforcement Service

Workplace Relations Commission
O'Brien Road
Carlow
R93 W7W2
Tel: 059 9178800 or locall 1890220100
www.workplacerelements.ie

Conciliation and Mediation Services

Workplace Relations Commission
Lansdowne House
Lansdowne Road
Dublin 4
Tel: 01 6136700 or locall 1890220227
www.workplacerelements.ie

Department of Jobs, Enterprise and Innovation

23 Kildare Street
Dublin 2
D02 TD30
Tel: +353 1 6312121 or LoCall 1890220222
www.djei.ie

The Courts Service

15 - 24 Phoenix Street North
Smithfield
Dublin 7
Tel: + 353 1 888 6000
www.courts.ie

Insolvency Payments Section

Floor 2
Department of Social Protection
Block C
The Earlsfort Centre
Lower Hatch Street
Dublin 2
Tel: 01-6734508
www.welfare.ie

Revenue Commissioners

Check www.revenue.ie for your local revenue office

Note that the rates charged for the use of 1890 (LoCall) numbers may vary among different service providers