



An Binnse Achomhairc Fostaíochta
Employment Appeals Tribunal

Employment Appeals Tribunal

FREEDOM OF INFORMATION

2016-2019

Publication Scheme

APRIL 2016

Introduction

Section 8 of the Freedom of Information (FOI) Act 2014 requires FOI bodies to prepare and publish a Scheme concerning the publication of information by the body in conformity with a model Publication Scheme or guidelines made by the Minister. This approach allows for the publication or giving of records outside of FOI provided that such publication or giving of access is not prohibited by law.

In preparing this Scheme, due regard has been given to the Guidelines issued by the Department of Publication and Reform, which state that, under the Scheme, the FOI body shall:

- Set out information to assist members of the public in their understanding of the body and its functions;
- Publish the information it holds grouped under the headings listed and
- Explain the procedures to get access to information or to establish what information the body holds.

According to the Guidelines the Act requires that in preparing, reviewing or revising a Publication Scheme, an FOI body shall have regard to the public interest in terms of:

- Allowing public access to information held by the FOI body
- The publication of reasons for decision made by the FOI body; and
- Publishing information of relevance or interest to the general public in relation to its activities and functions generally.

An e-version of the Scheme will be available on the Tribunal's page on the website www.workplacerelations.ie from April 2016 and a printed version will be available for viewing during normal office hours at the Employment Appeals Tribunal, Davitt House, 65A Adelaide Road, Dublin 2. Please contact us at eat@djei.ie to arrange this.

Information about the Employment Appeals Tribunal	Services provided or to be provided to the public	Decision Making process for Major Policy proposals
Financial Information	Procurement	FOI Disclosure Log and other Information Published Routinely
Appendix A: Organisation Chart	Appendix B: Members of the Tribunal	Appendix C: Members' Fees

Information about the Employment Appeals Tribunal

Who we are and what we do

The Employment Appeals Tribunal (the Tribunal) is an independent quasi-judicial body that adjudicates on employment rights issues.

Establishment of the Tribunal

The Tribunal was originally established as the Redundancy Appeals Tribunal under the Redundancy Payments Act of 1967. It was set up to provide an inexpensive and relatively informal means for the adjudication of disputes on a worker's statutory entitlement to redundancy. Today, under its revised title, the Employment Appeals Tribunal can deal with cases under the following legislation:

Redundancy Payments Acts, Minimum Notice and Terms of Employment Acts, Unfair Dismissals Acts, Terms of Employment (Information) Acts, Payment of Wages Act, Maternity Protection Acts, Adoptive Leave Acts, Carer's Leave Act, Parental Leave Acts, Protections for Persons Reporting Child Abuse Act, Protection of Young Person's (Employment) Act, Consumer Protection Acts, Competition Acts, Chemicals Acts, European Communities (Protection of Employment) Regulations and European Communities Protection of Employees' on Transfer of Undertakings) Regulations.

Dissolution of the Tribunal

A decision was made by the Minister for Jobs Enterprise and Innovation to streamline the workplace relations bodies, including the Tribunal. This involved the creation of a 2 tier structure (one claims adjudication body and one appeal body) and the dissolution of the Tribunal. Following the establishment of the new **[Workplace Relations Commission Insert link to WRC](#)** on 1 October 2015, the Tribunal no longer accepts direct claims or appeals. It still accepts applications to seek implementation/enforcement of a recommendation/decision of a Rights Commissioner in relation to certain matters. In accordance with the **[Workplace Relations Act 2015 Insert link to Statute Book](#)**, all complaints and disputes under employment, equality and equal status legislation presented after 30 September 2015 will be dealt with by the Workplace Relations Commission. All appeals presented after this date fall to be heard by the **[Labour Court Insert link to Court](#)**.

The Tribunal will remain in place to deal with legacy complaints and appeals, on completion of which it will be dissolved.

Roles, Responsibilities and Functions

The Tribunal's adjudicative function is carried out by Tribunal Members, who are appointed by the Minister for Jobs Enterprise and Innovation. The Members act in Divisions, each consisting of the Chairman or a vice-chairman plus two other members, one drawn from the employers' side of the panel and one from the trade union side. Cases 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 held in private. The Tribunal secretariat provides administrative support to the Members of the Tribunal.

Records held by the Tribunal

The following types of record are held by the Tribunal:

Case files – Case files contain documents relating to each Tribunal case, most of which contain personal data. Information on these files is available to the parties involved in a case and not to any third party. Basic information regarding a case, including personal data, is included in a database.

Administration Files - Administration files contain documents relating to the administrative, non-adjudicative functions of the Tribunal. The content of these files is not routinely published but is subject to specific information requests made to eat@djei.ie.

Determinations – The Tribunal is obliged by law to enter its determinations (decisions on cases) in a Register of Appeals, which shall be open to inspection by any person. Accordingly, all of the Tribunal's determinations are retained in a Register of Determinations and are available for public inspection at Davitt House, 65A Adelaide Road, Dublin 2. In addition, copies of determinations are accessible on the Tribunal's website www.workplacerelations.ie (from 2007 excluding party details and from April 2014 including party names).

Governance and Management Arrangements

The head of the Tribunal is the Chairman. The Tribunal's organisation chart can be found at **Appendix A**. A list of EAT members can be seen at **Appendix B**. The Tribunal is an office of the Department of Jobs, Enterprise and Innovation, from which it receives its funding and to whom it reports on performance. The Department also provides staffing for the secretariat. The Tribunal acts independently of the Department with regard to its adjudicative functions.

Corporate Plans or Strategies

Not applicable.

Annual Report

The Tribunal submits an Annual Report to the Minister for Jobs Enterprise and Innovation which is published on www.workplacerelations.ie [link to Publications](#)

Organisation and Pay/Grading Structures

Tribunal members are paid a per diem rate for attending the tribunal and the current rates for Tribunal members, as set by the Department of Public Expenditure and Reform, can be found at **Appendix C**.

The Civil Service pay scales can be found on www.circulars.gov.ie

Locations and Contact details

The Headquarters of the Tribunal is Davitt House, 65A Adelaide Road, Dublin 2; phone 00 353 1 6313006; email eat@djei.ie; fax 00 353 1 6313266; website www.workplacerelations.ie . All access queries should be emailed. All Press queries should be directed to the Press Office of the Department of Jobs Enterprise and Innovation, 23 Kildare Street, Dublin 2; phone 00 353 1 6312200; email press.office@djei.ie.

Link to agencies/other bodies under the Tribunal's remit

Not applicable.

Memorandum of Understanding

A Memorandum of Understanding is agreed annually between the Department of Jobs Enterprise and Innovation and the Tribunal dealing with its resourcing and performance in terms of its non-adjudicative role. A copy of the Memorandum of Understanding is available on request.

Customer Charter

The Tribunal's Customer Charter can be found on the Tribunal's page on www.workplacerelations.ie.

Codes of Practice or Guidelines

The Tribunal's '*Guidelines for Employees, Employers & Practitioners Appearing before the EAT*' which gives an overview the EAT process, can be found on the EAT's page on www.workplacerelations.ie.

Services provided or to be provided to the public***The Services we offer***

The Tribunal adjudicates on cases arising under the various pieces of legislation listed at *Information about the Employment Appeals Tribunal*.

How such services can be accessed

The workplace relations reform programme implemented by the Minister for Jobs Enterprise and Innovation involved the dissolution of the Employment Appeals Tribunal. Since 1 October 2015, no new claims or appeals can be accepted by the Tribunal, which is currently working through its legacy caseload with a view to dissolution. The Tribunal will remain in existence only until implementation claims and all claims lodged with it before 1 October 2015 are finalised. See *Dissolution of the Tribunal* on page 4 for further detail.

How much such services cost to access, if any

There is no fee for any of the Tribunal's services.

Administration of such services

Adjudication of cases is carried out by Tribunal Members. The Tribunal secretariat provides the administrative support required.

Review or appeal rights relating to such services

The Tribunal is answerable to the Higher Courts by way of Appeal or Judicial Review in its function, decisions and the manner in which it conducts itself. A copy of guidance notes setting out the appeal and implementation procedures open to employees and employers who are in receipt of decisions from the Tribunal can be found on www.workplacerelations.ie

Research projects undertaken in respect of these functions/services

Not applicable

Decision Making process for Major Policy proposals

Not applicable.

Financial Information

What we spend

The Tribunal's annual budget allocation is set by the Department of Jobs, Enterprise and Innovation as approved by the Department of Public Expenditure and Reform. The Tribunal's allocation is spent on various areas including, *inter alia*, Fees, Salaries, Stationery, Travel and Subsistence and venues. The only income the Tribunal may receive is from Freedom of Information appeals.

Financial Statements

The Tribunal's expenditure is incorporated into the financial statements of the Department of Jobs, Enterprise and Innovation. The Accounting officer for the Department of Jobs, Enterprise and Innovation is the Secretary General, Mr John Murphy. Details of the Department's financial accounts may be found on its website www.djei.ie.

Plans for Major Capital Expenditure

Not applicable.

Payments or Purchase Orders for Goods and Services

Not applicable.

Governance Board Member remuneration

Not applicable.

Funding/Sponsorship of non-public bodies

Not applicable.

Procurement

How we spend

The Tribunal carries out a number of small procurements annually including, *inter alia*: hiring of venues for some regional hearings; translation of documents; interpretation at hearings. All procurements are carried out in line with the guidance given by the Office of Government Procurement on their website www.etenders.gov.ie. The Tribunal has not awarded any contracts over €10,000 in respect of ICT or over €25,000 for non-ICT contracts (exclusive of VAT).

Procurement Policies

Procurement is carried out in line with guidelines given by the Office of Government Procurement and the Department of Jobs, Enterprise and Innovation.

A link to all current tender competitions on the eTenders website

Not applicable.

Public Contracts awarded including contract type, contractor, value, award date duration and brief description (tabular format) over €10k for ICT and over €25k for other contracts

Not applicable.

FOI Disclosure Log and other Information Published Routinely

FOI Disclosure Log

A FOI disclosure log will be placed on the Tribunal's page of the website www.workplacerelations.ie and will include non-personal requests which have been handled by the Tribunal under the Freedom of Information Act 2014, which brought the Tribunal under the scope of Freedom of Information for the first time. The details will only be published where:

- privacy rights are not infringed
- persons are not subject to commercial disadvantage and
- they do not contain information that is exempt from Freedom of Information.

Check Dept's policy on FOI disclosure log

Reports

The Tribunal does not produce any reports, other than its Annual Report (see section A above).

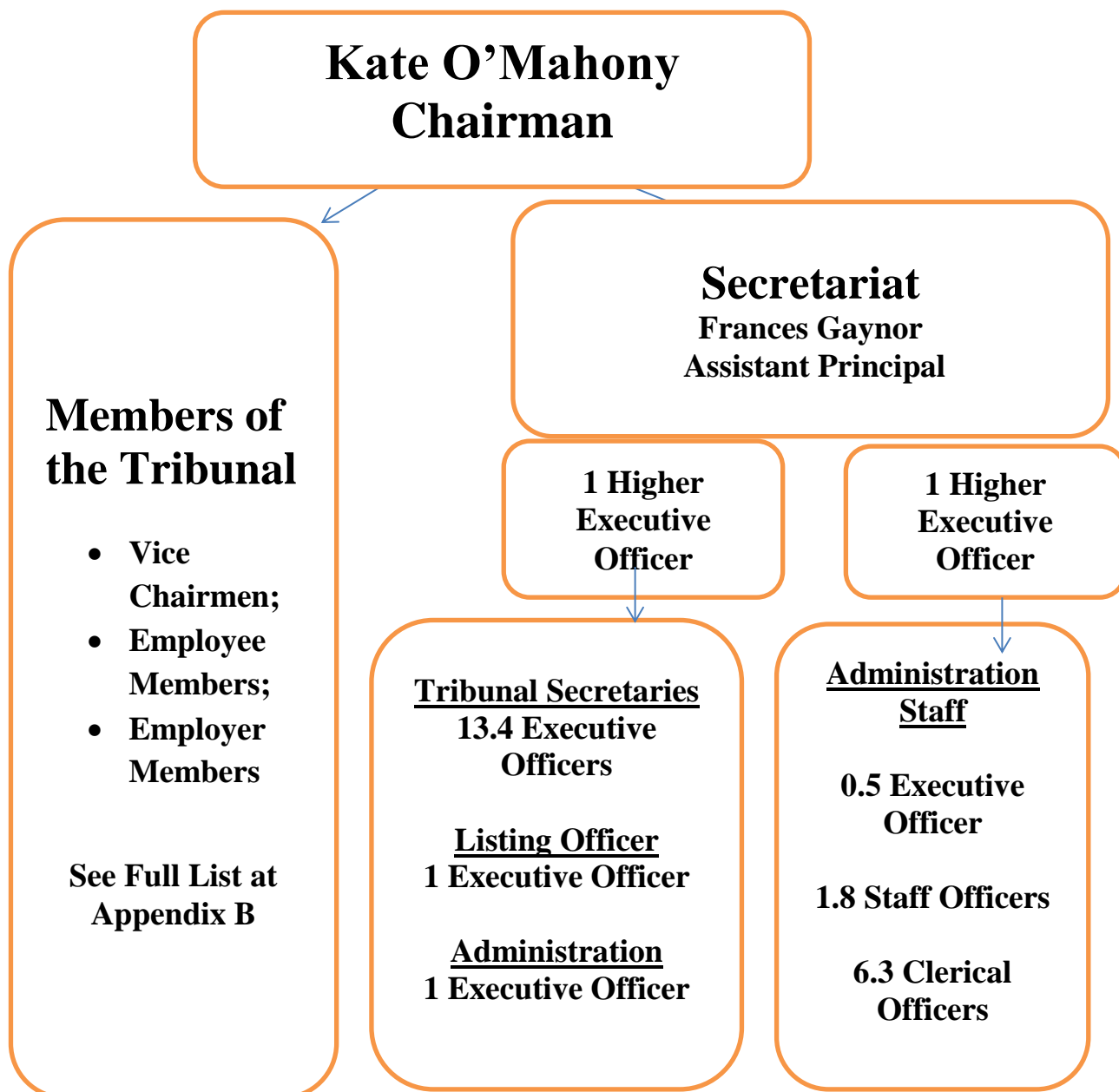
Commercial publications and relative charges

Not Applicable.

Information held by the body which is sought regularly

The pre 2007 determinations of the Tribunal are available for inspection at the Davitt House Headquarters. Post 2007 determinations are available at www.workplacerelations.ie.

Appendix A: Employment Appeals Tribunal Organisation Chart 2016



Appendix B: Members of the Employment Appeals Tribunal 2016

CHAIRMAN	Jeremiah O'Connor	Neil Ormond	Helen Murphy
Kate T O'Mahony B.L.	Peter J O'Leary B.L.	Dermot Peakin	Phil Ni Sheaghda
VICE-CHAIRMEN	Moya Quinlan	Pat Pierce	Owen Nulty
Sinead Behan B.L.	Joe Revington S.C.	Peter J Pierson	Seamus O'Donnell
Kieran Buckley	Nicholas Russell	William Power	Michael O'Reilly
Pamela Clancy	Tom Ryan	John Reid	Ciaran Ryan
Charles Corcoran B.L.	Jeremiah Sheedy	Máire Sweeney	Dave Thomas
Eithne Coughlan (CR)*	Joseph Smith (CR)*	Liam Tobin	Paddy Trehy
Ann-Marie Courell B.L.	Tony Taaffe	Jean Winters	Owen Wills
Fiona Crawford B.L.	Patrick Wallace (CR)*	EMPLOYEES' PANEL	Paddy Woods
Emile Daly B.L.	EMPLOYERS' PANEL	Frank Barry	
Dorothy Donovan B.L.	Gerry Andrews	Tom Brady	
Catherine Egan B.L.	Joe Browne	Eveta Brezina	
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	
Sean Mahon	Don Moore	Sean Mackell	
Mary McAveety	Desmond Morrison	Michael McGarry	
Jeananne McGovern B.L.	Roger F Murphy	Alice Moore	
Penelope McGrath B.L.	Michael Noone	Joe Maher	
Sandra McNally	William O'Carroll	Mary Maher	
Fintan J Murphy (CR)*	Tom O'Grady	Dominic McEvoy	
Eamonn Murray	Aidan O'Mara	Jim Moore	
Niamh O'Carroll Kelly B.L.	James O'Neill	Maire Mulcahy	*County Registrar

Appendix C: Employment Appeals Tribunal Members' Fees 2016

Position	Nature of Fee	Rates
Chairman	<i>Sitting fee</i>	€552.90
	<i>Conference fee</i>	€140.76
Vice Chairman	<i>Sitting fee</i>	€359.92
	<i>Conference fee</i>	€113.11
Employee/Employer Member	<i>Sitting fee</i>	€193.24
	<i>Conference fee</i>	€97.57