



An Binse Achomhairc Fostaíochta  
Employment Appeals Tribunal

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# Employment Appeals Tribunal

## Annual Report

### 2017

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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## **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 50<sup>th</sup> Annual Report of the Employment Appeals Tribunal for the year 2017, in accordance with Section 39(18) of the Redundancy Payments Acts 1967 to 2014.

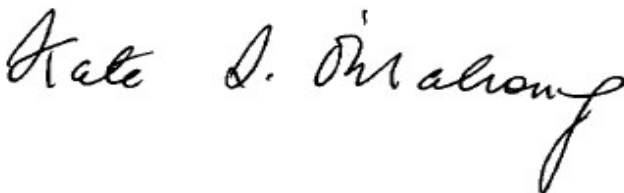
This year has been a momentous year for the Tribunal as it marks in effect the last year in which the Tribunal operated. As a result of the Workplace Relations reform process, the Tribunal has been winding down its operations since 1 October 2015. From that date, first instance claims under the various employment rights legislation have been lodged with the Workplace Relations Commission and appeals lodged with the Labour Court. The Tribunal has been working through its legacy caseload and in 2017 it has completed its work. Apart from a small number of cases that are pending resolution of proceedings in the higher courts, the work of the Tribunal is done. Once these remaining cases are finalised, the Tribunal will be formally dissolved.

In October 2017, the residual work of the Employment Appeals Tribunal re-located to the premises of the Labour Court in Lansdowne House, Dublin 4. A small number of Tribunal staff and Members remain available to progress the remaining cases as required and I would like to express my gratitude to each of them for their commitment in these final stages of the Tribunal.

I thank the Minister and the Department for facilitating the work of the Tribunal through the provision of resources in 2017. I also thank the Labour Court for the ease with which it has absorbed the residual work of the Tribunal.

Finally, I express my deep gratitude to each Member who served the Tribunal so well up to this, our final year.

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, sweeping 'O' and a long tail on the 'y'.

Kate T O'Mahony  
Chairman

## Members of the Tribunal 2017

<b>CHAIRMAN</b>	Joe Revington S.C.	Dermot Peakin	Phil Ni Sheaghda
Kate T O'Mahony B.L.	Nicholas Russell	Pat Pierce	Owen Nulty
<b>VICE-CHAIRMEN</b>	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 Trehy
Ann-Marie Courell B.L.		Jean Winters	Owen Wills
Fiona Crawford B.L.		<b>EMPLOYEES' PANEL</b>	Paddy Woods
Emile Daly B.L.	<b>EMPLOYERS' PANEL</b>	Frank Barry	
Dorothy Donovan B.L.	Gerry Andrews	Tom Brady	<b>Secretary to the Tribunal</b>
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	

<sup>1</sup> (CR) refers to County Registrars

<sup>2</sup> During 2017, Moya Doherty, Paddy Woods, Owen Nulty resigned.

# **1. Dissolution of the Employment Appeals Tribunal**

## **1.1 Workplace Relations Act 2015**

Under the Workplace Relations Act 2015 (No.16 of 2015), the functions of the Employment Appeals Tribunal ceased in relation to new claims or appeals and no such cases have been lodged with the Tribunal since 1<sup>st</sup> October 2015. The Workplace Relations Commission (WRC) has assumed, inter alia, the first-instance functions of the Employment Appeals Tribunal. The Labour Court now has sole appellate jurisdiction in all disputes arising under employment rights enactments. All new employment rights claims and appeals are being lodged with the Workplace Relations Commission and the Labour Court respectively since 1<sup>st</sup> October 2015.

The Tribunal retained its implementation function in respect of Rights Commissioners' recommendations but it is intended that this function will also cease.

## **1.2 Dissolution of the EAT**

All cases lodged with the Tribunal before 1<sup>st</sup> October 2015 ('legacy cases') are being finalised by the Tribunal itself. During 2017, the Tribunal worked to expedite its legacy cases and has, consequently, continued in existence in parallel to the new structures. At year end, only a small number of cases remain to be heard by the Tribunal and the majority of these involve parallel civil proceedings. 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.

# **2. Re-location to Lansdowne House**

In October 2017, the residual Tribunal work and personnel re-located to Lansdowne House. The secretariat can be contacted at:

**Employment Appeals Tribunal**  
**Lansdowne House**  
**Lansdowne Road**  
**Dublin 4**

**Phone:** 01 6313085  
**Email:** [eat@dbei.gov.ie](mailto:eat@dbei.gov.ie)  
**Website:** [www.workplacerelations.ie](http://www.workplacerelations.ie)

### 3. Case Statistics

#### 3.1 Legacy Cases Disposed of in 2017

During 2017, the Tribunal disposed of 632 cases.

CASE TYPE	TOTAL DISPOSED
Redundancy Payment Acts 1967-2014	58
Minimum Notice and Terms of Employment Acts 1973-2005	65
Unfair Dismissal	167
Protection of Employees (Employers' Insolvency) Acts 1984-2012	-
Organisation of Working Time Act 1997	16
Maternity Protection Acts 1994 and 2004	-
Payment of Wages Act 1991	321
Terms of Employment (Information) Acts 1994-2014	5
Parental Leave Acts 1998 and 2006	-
<b>TOTAL</b>	<b>632</b>

#### 3.2 Cases Referred in 2017

The Tribunal received just 1 application to implement a decision of the Rights Commissioners.

#### 3.3 Cases remaining to be finalised

At the end of 2017, there were 108 legacy cases left to be finalised by the Tribunal. It is anticipated that these will be finalised over the course of 2018.

### 4. 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 2017, 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.

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](http://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 46 cases (both appeals and enforcements) progressed to the Circuit Court.

## **5. 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 Lansdowne House. Determinations are also available on the website [www.workplacerelations.ie](http://www.workplacerelations.ie).

## Appendix 1: List of EAT Booklets and Guidelines

The booklets/Guidelines below are available on the Employment Appeals Tribunal's page on [www.workplacerelations.ie](http://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)*
7. *Annual Reports of the Employment Appeals Tribunal from 2000* (Irish version from 2009)