

**AN BINSE ACHOMHAIRC
FOSTAÍOCHTA
THE EMPLOYMENT APPEALS
TRIBUNAL
THIRTY FOURTH ANNUAL REPORT
2001**

Submitted to the

Tánaiste and Minister for Enterprise, Trade and Employments

in pursuance of

Section 39(18) of the Redundancy Payments Act, 1967

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Chairman's Submission to Ms. Mary Harney, Tánaiste and Minister for Enterprise, Trade and Employment

Dear Tánaiste

I have pleasure in submitting the Annual Report of the Employment Appeals Tribunal to you, in accordance with Section 39 (18) of the Redundancy Payments Acts 1967 to 2001.

The jurisdiction of the Tribunal continues to expand. It now has jurisdiction under thirteen Acts of the Oireachtas to deal with the termination of employment disputes and within employment disputes. In the past year the Carer's Leave Act, 2001 conferred jurisdiction on the Tribunal to hear appeals from the decisions of the Rights Commissioner made under that Act. The Tribunal also has jurisdiction under two recent Statutory Instruments: European Communities (Safeguarding of Employees' Rights on Transfer of Undertakings) (Amendment) Regulations, 2000 and European Communities (Protection of Employment) Regulations, 2000.

The workload of the Tribunal continues to increase. The number of cases referred to the Tribunal in 2001 rose to 5,257 from 3,377 in 2000, which represents a 56% increase.

I am happy to report that the Tribunal disposed of 3,994 claims and appeals in the year 2001, which was an increase of 795 cases on the year 2000. The major part of the Tribunal's work, as is usual, consisted in dealing with claims under the Unfair Dismissals, Redundancy and Minimum Notice legislation. Claims for holiday pay under the Organisation of Working Time Act also formed a significant part of the Tribunal's work. The Tribunal is conscious of the need to provide a fair, impartial, speedy and informal forum for the resolution of employment disputes within its jurisdiction. We believe that we have successfully met this challenge over the period of this report.

In October 2001, Ireland hosted the Conference of the European Association of Labour Court Judges in Dublin Castle. We thank you, Tánaiste, for formally opening the Conference and we also thank Minister Kitt for his attendance at the Conference. The European and Irish Delegates to the Conference appreciated meeting both ministers and their involvement with the Conference. We thank you, Tánaiste, Mr Kitt and the Department of Enterprise, Trade and Employment for its support, which helped to make this conference such a successful one.

This is my first report as Chairman of the Tribunal. Mary Faherty who had been Chairman for the previous seven years was appointed a judge to the Circuit Court. The Tribunal wishes to acknowledge the great contribution made by her to the Tribunal and its work during her term as Chairman. We wish her every success.

As Chairman, I wish to thank the members for their commitment, diligence and the contribution made by them to the work of the Tribunal during 2001. I express my thanks to the Secretary and the Tribunal Secretariat staff for their dedication and good work in support of the Tribunal and for the courtesy they have shown in their dealings with the users of the Tribunal and its members.





I wish to express my gratitude to you, Tánaiste, for the support you have given to the Tribunal over the last number of years. I extend the same gratitude to the Department and look forward to its continuing support.

Yours sincerely

Kate T. O'Mahony

CHAIRMAN



Thirty Fourth Annual Report of the Employment Appeals Tribunal for Year Ending 31st December, 2001

INTRODUCTORY NOTE

The Tribunal, formerly known as the Redundancy Appeals Tribunal, was established under Section 39 of the Redundancy Payments Act, 1967. It was originally set up to adjudicate in disputes about redundancy between employees and employers and between employees or employers and the Minister for Labour (now Enterprise, Trade and Employment) or a Deciding Officer. The scope of the Tribunal was extended over the years and now, in addition to disputes under the Redundancy Payments Acts, 1967 to 2001, it also deals with disputes under:

Minimum Notice and Terms of Employment Acts, 1973 to 2001;
Unfair Dismissals Acts, 1977 to 2001;
Maternity Protection Act, 1994;
Protection of Employees (Employers' Insolvency) Acts, 1984 to 1991;
Payment of Wages Act, 1991;
Terms of Employment (Information) Act, 1994 and 2001;
Adoptive Leave Act, 1995;
Protection of Young Persons (Employment) Act, 1996;
Organisation of Working Time Act, 1997;
Parental Leave Act, 1998;
Protections for Persons Reporting Child Abuse Act, 1998.
European Communities (Safeguarding of Employees' Rights on Transfer of Undertakings) (Amendment) Regulations, 2000
European Communities (Protection of Employment) Regulations, 2000
Carer's Leave Act, 2001

Under Section 18 of the Unfair Dismissals Act, 1977 the name of the Tribunal was changed to the Employment Appeals Tribunal.

The Tribunal is an independent body bound to act judicially and was set up to provide a speedy, fair, inexpensive and informal means for individuals to seek remedies for alleged infringements of their statutory rights.

The Tribunal consists of a Chairman and **22** Vice-Chairmen and a panel of **60** other members, thirty nominated by the Irish Congress of Trade Unions and thirty by organisations representative of employers. The Redundancy Payments Act, 1979 provides for the appointment of additional Vice-Chairmen and members whenever the Minister for Enterprise, Trade and Employment is of the opinion that such appointments are necessary for the speedy dispatch of the business of the Tribunal.

The Tribunal acts in Divisions, each consisting of either the Chairman or a Vice-Chairman and two other members, one drawn from the employer's 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. More than one Division may sit on the same day. Claims and appeals are heard in public unless the Tribunal, at its discretion, decides that the hearing be private.

Civil Servants assigned by the Department of Enterprise, Trade and Employment staff the Secretariat of the Tribunal. Officers of the secretariat process applications from the date of receipt and act as secretaries at hearings. Secretaries also draft determinations following Tribunal deliberations, for consideration by the Tribunal and notify the parties concerned of the decisions or determinations of the Tribunal.

The Membership of the Employment Appeals Tribunal on 31st December, 2001

Chairman: Mary Faherty, Senior Counsel.

Vice-Chairmen: Sarah Berkeley, Barrister-at-Law
Ailbhe Burke, Solicitor
Gerard Brady, Solicitor
Anne Bunni, Barrister-at-Law
Dymphna Cusack, Barrister-at-Law
Emile Daly, Barrister-at-Law
Triona Daly, Barrister-at-Law
Tony Halpin, Barrister-at-Law
Dan Horan
Elva Kearney, Barrister-at-Law
Dermot MacCarthy, Senior Counsel
Lisa McDonald, Solicitor
Paul McGarry, Barrister-at-Law
Penelope McGrath, Barrister-at-Law
Rosemary O'Connell, Solicitor
Peter J. O'Leary, Barrister-at-Law
Kate T. O'Mahony, Barrister-at-Law
Moya Quinlan, Solicitor
Joe Revington, Barrister-at-Law
Patricia Ryan, Barrister-at-Law
Tom Ryan, Solicitor
Jeremiah Sheedy, Solicitor

Employers Panel:

Patrick Bracken, Clare Carroll,
Anne Delahunty, Michael Dunne,
Carl Fay, T.P. Flood, Michael Forde, Richard Gully
Michael C. Hennigan,
Richard Keating, Ben Kealey,
Richard Keenan, Tina Leonard, Gerry McAuliffe,
Patrick McKeown, Desmond Morrison,
Billy O'Carroll, Paul O'Grady,
Paul O'Leary, James O'Neill, C. A. Ormond,
Jas A. Power, William Power, Robert Prole, Jim Redmond,
John Reid, Edmund Sheehy, Declan Winston.
(2 Vacancies)

Employees Panel:

Eveta Brezina, Nick Broughall,
Mary Burke, Anne Clune,
Jim Dorney, Breda Fell, Sean Galavan,
Noirin Greene, Phil Harrington, John Kane,
Ben Kearney, Nuala Keher, Tony Kennelly, Mary Maher, Des Mahon,
John McDonnell, Aidan McCormack, Michael McGarry,
Bernard McKenna, Lenore Mrkwicka, Alice Moore,
Clare O'Connor, Kevin O'Connor, Seamus O'Donnell,
Patrick O'Shaughnessy, Tommy Perkins, Sean Redmond,
Ciaran Ryan, Catherine Warnock, Patrick Woods,

Secretary:

Breda Cody

Appeals and Claims referred to the Tribunal During 2001

Legislation	2000	2001
	No.	No.
Minimum Notice and Terms of Employment Acts	1749	3216
Unfair Dismissals Acts (including 63 Appeals against Rights Commissioners' Recommendations)	808	957
Redundancy Payments Acts	300	612
Protection of Employees (Employers' Insolvency) Acts	183	6
Worker Protection (Regular Part-Time Employees) Act	58	65
Maternity Protection Act	0	1
Payment of Wages Act (Appeals against Rights Commissioners' Decisions)	52	75
Terms of Employment (Information) Act (Appeals against Rights Commissioners' Recommendations)	51	56
Adoptive Leave Act (Appeals against Rights Commissioners' Recommendations)	-	-
Protection of Young Persons (Employment) Act (Appeals against Rights Commissioners' Recommendations)	-	-
Organisation of Working Time Act	170	264
Parental Leave Act (Appeals against Rights Commissioners' Decisions)	6	5
Protections for Persons Reporting Child Abuse (Appeals against Rights Commissioners' Decisions)	-	-
European Communities (Safeguarding of Employees' Rights on Transfer of Undertakings) (Amendment) regulations, 2000 (Appeals against Rights Commissioners' Decision)	-	-
European Communities (Protection of Employment) Regulations, 2000 (Appeal's against Rights Commissioners' Decision)	-	-
Carer's Leave Act, (Appeals against Rights Commissioners' Decision)	-	-
TOTAL	3,377	5,257

REDUNDANCY PAYMENTS ACTS, 1967 TO 2001

The majority of the claims disposed of by the Tribunal under these Acts were claims by employees for redundancy payments on the grounds that they were dismissed by reason of redundancy. Other areas of dispute relate to questions of whether alternative employment offered was suitable; associated companies; change of ownership of trade or business; continuity of employment; lay-off and short-time; calculation of amount of lump sums and normal weekly remuneration.

Of the **553** claims disposed of, **253** were allowed, **121** were dismissed, **124** were withdrawn during hearing and **55** were withdrawn prior to hearing.

MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2001

The claims disposed of by the Tribunal under these Acts were mainly claims by dismissed employees for compensation for loss sustained by them by reason of their employers' failure to give them the statutory period of notice (or payment in lieu of same).

Of the **2,336** claims disposed of, **1,774** were allowed, **211** were dismissed, **216** were withdrawn during hearing and **135** were withdrawn prior to hearing.

UNFAIR DISMISSALS ACTS, 1977 To 2001

Section 8 of the 1977 Act as amended by Section 7 of the 1993 Act provides for the bringing of claims for redress for unfair dismissal before a Rights Commissioner or the Tribunal within six months of the date of dismissal. Under the amending Act of 1993 the onus for the giving of a copy of the notice of claim to the employer concerned now rests on the Tribunal. The same Act provides that the Rights Commissioner or the Tribunal may extend this time limit to twelve months in exceptional circumstances. A claim under this section may only be brought to the Tribunal if either party objects in writing to a Rights Commissioner hearing the claim.

The Act also provides for the bringing of an appeal against a Rights Commissioner's Recommendation to the Tribunal within six weeks of the date the Recommendation was given to the parties concerned. Here again the amending Act now places the onus for the giving of a copy of the notice of appeal to the other party on the Tribunal.

Outcome of Claims and Appeals under the Unfair Dismissals Acts

Direct Claims

Of the total of **691** claims disposed of, **124** were allowed, **108** were dismissed, **301** were withdrawn during hearing and **158** were withdrawn prior to hearing.

Appeals against Recommendations of Rights Commissioners

Of the **35** appeals against the Recommendations of Rights Commissioners disposed of by the Tribunal, **9** were upheld, **4** were upset, **6** were varied and **16** were withdrawn.

Outcome of Claims where the Recommendations of the Rights Commissioners were not carried out.

Of the **11** claims disposed of by the Tribunal, **6** were upheld, and **5** were withdrawn.

Outcome of Claims

The Tribunal awarded compensation amounting to **€ 861,654.99** in **163** cases. The average compensation awarded by the Tribunal was **€ 5,286.23**. Re-instatement was ordered in **4** cases and re-engagement was ordered in **6** cases. The distribution of compensation awarded by the Tribunal is shown in **Annexe 2**.

MATERNITY PROTECTION ACT, 1994

Disputes concerning entitlements under the Act must be brought to a Rights Commissioner in the first instance and then to the Tribunal by way of an appeal against the Rights Commissioner's Recommendation.

One case was appealed to the Tribunal in 2001. This appeal was withdrawn prior to hearing.

PROTECTION OF EMPLOYEES (EMPLOYERS' INSOLVENCY) ACTS, 1984 TO 2001

Claims under these Acts take the form of complaints against decisions of the Minister for Enterprise, Trade and Employment to refuse all or part of a claim for payment in respect of arrears of wages, arrears of sick pay, arrears of holiday pay or payment of unpaid contributions to occupational pension schemes. Also, where a doubt exists as to whether a claim is allowable or not, the Minister may refer the claim to the Tribunal for decision.

Two complaints were disposed of and these were allowed.

WORKER PROTECTION (REGULAR PART-TIME EMPLOYEES) ACT, 1991

The Protection of Employees (Part-Time Work) Act, 2001 which came into operation on 20th December 2001, repeals the Worker Protection (Regular Part-Time Employees) Act 1991, so that the threshold, which required that a part-time worker should be in the continuous service of the employer for not less than 13 weeks and should be normally expected to work not less than 8 hours per week for that employer, no longer applies. The calculation of continuous service for the purposes of entitlement under, for example, the Unfair Dismissals and Redundancy Payments Acts, however, still applies. Thus, in the same manner as a full-time employee, a part-time employee will still be required to have 12 months continuous service under the Unfair Dismissals Acts and 2 years continuous service under the Redundancy Payments Acts with his/her employer from the start of the employee's employment.

Under the terms of the 1991 Act the Tribunal disposed of **54** claims of which **2** were allowed, **20** were dismissed, **15** were withdrawn during hearing and **17** were withdrawn prior to hearing.

PAYMENT OF WAGES ACT, 1991

The main purpose of this Act is to define the acceptable modes of payment of wages and to regulate for certain deductions from wages. The Act allows for appeals to be made to the Tribunal against the decisions of Rights Commissioners.

Of the **60** appeals disposed of by the Tribunal, **21** were upheld, **3** were upset, **7** were varied and **29** were withdrawn.

TERMS OF EMPLOYMENT (INFORMATION) ACT, 1994 AND 2001

The main purpose of this Act is to establish an employer's obligation to provide a written statement to employees setting out particulars of the employee's terms of employment.

A dispute under the Act must first be brought before a Rights Commissioner. It may then be brought before the Tribunal by way of an appeal against the Recommendation of the Rights Commissioner in the matter.

Outcome of Appeals

Of the **14** appeals disposed of by the Tribunal, **10** were upheld, **1** was upset, **1** was varied and **2** were withdrawn.

Outcome of Claims where the Recommendations of the Rights Commissioners were not carried out.

Of the **25** claims disposed of by the Tribunal, **3** were upheld and **22** were withdrawn.

ADOPTIVE LEAVE ACT, 1995

The purpose of this Act is to entitle female employees, and in certain circumstances male employees, to employment leave for the purpose of child adoption. A dispute under the Act must first be brought before a Rights Commissioner. It may then be appealed to the Tribunal by way of an appeal against the decision of the Rights Commissioner in the matter.

There were no appeals to the Tribunal during the year ending 31st December, 2001.

PROTECTION OF YOUNG PERSONS (EMPLOYMENT) ACT, 1996

This Act provides that the parent or guardian of a child or a young person may present a complaint to a Rights Commissioner that an employer has contravened section 13 (preservation of existing rates of pay and conditions) or section 17 (refusal to co-operate with the employer in breaching the Act). An employer or an employee may appeal to the Tribunal from a Recommendation of a Rights Commissioner.

There were no appeals to the Tribunal during the year ending 31st December, 2001.

ORGANISATION OF WORKING TIME ACT, 1997

Section 39 of the Organisation of Working Time Act provides for a solution to difficulties encountered with the enforcement of decisions of, inter alia, the Employment Appeals Tribunal under the legislation administered by it where details relating to an employer are incorrectly set out in a Tribunal decision. Section 40 allows an employee or his/her trade union to include a referral of a holiday complaint along with any proceedings being taken to the Tribunal in respect of any legislation coming within its scope.

There were **206** claims disposed of by the Tribunal during the year ending 31st December, 2001. Of these **76** were allowed, **25** were dismissed, **64** were withdrawn during hearing and **41** were withdrawn prior to hearing.

PARENTAL LEAVE ACT, 1998

The Parental Leave Act, 1998 came into operation on 3rd December, 1998. The Act provides for an entitlement for men and women to avail of unpaid leave from employment to enable them to take care of their young children, and for limited paid leave (*force majeure* leave) to enable employees to deal with family emergencies resulting from injury or illness of certain family members.

Employees and employers are entitled to refer a dispute in relation to an entitlement under the Act to a Rights Commissioner. A reference to the Rights Commissioner concerning a dispute under the Act must be made in writing within 6 months of the occurrence of the dispute. However, disputes concerning the dismissal of an employee are dealt with under the provisions of the Unfair Dismissals Acts, 1977 to 2001.

The Tribunal disposed of **6** appeals in 2001. Of these **4** appeals were upheld, **1** was upset and **1** was withdrawn.

PROTECTIONS FOR PERSONS REPORTING CHILD ABUSE ACT, 1998

The purpose of this Act is to provide protection from penalisation by their employers of persons who report child abuse "reasonably and in good faith" to designated officers of health boards or any member of the Garda Síochána. The avenue of redress for such a person is by way of complaint to a Rights Commissioner. There is also provision for an appeal from the Rights Commissioner by either party to the Employment Appeals Tribunal. The Act came into operation on 23rd January, 1999.

There were no appeals in 2001.

European Communities (Protection of Employment) Regulations, 2000

These Regulations amend the Protection of Employment Act, 1977, to provide for representation of, and consultation with employees in the absence of a trade union, staff association or excepted body; to provide for a right of complaint to a Rights Commissioner where an employer contravenes section 9 or 10 (information and consultation of employees) and to provide for increases in the levels of fines for offences.

There is a provision for the Rights Commissioner's decision to be appealed to the Tribunal within six weeks of the date that the decision was communicated to the parties. Where a Rights Commissioner's decision has not been carried out a case for implementation may be referred after the six-week period.

There were no appeals in 2001.

EUROPEAN COMMUNITIES (SAFEGUARDING OF EMPLOYEES' RIGHTS ON TRANSFER OF UNDERTAKINGS) (AMENDMENT) REGULATIONS, 2000

These Regulations amend the European Communities (Safeguarding of Employees' Rights on Transfer of Undertakings) Regulations 1980 to provide for representation of, and consultation with employees in the absence of a trade union, staff association or excepted body; to provide for a right of complaint to a Rights Commissioner where an employer contravenes Regulation 7 (information and consultation of employees) and to provide for increases in the levels of fines for offences.

There is a provision for the Rights Commissioner's decision to be appealed to the Tribunal within six weeks of the date that the decision was communicated to the parties. Where a Rights Commissioner's decision has not been carried out a case for implementation may be referred after the six-week period.

There were no appeals in 2001.

Carer's Leave Act, 2001

This Act provides for a new entitlement of employees to avail of unpaid carer's leave from their employment to enable them to care personally for persons who have been certified by the Department of Social, Community and Family Affairs as requiring full time care and attention.

The decision of the Rights Commissioner may be appealed to the Tribunal within 4 weeks of the date the decision was communicated to the parties. This time limit may be extended for a further

period not exceeding six weeks if the Tribunal considers it reasonable to do so having regard to all the circumstances.

There were no appeals in 2001.

AVERAGE WAITING PERIOD FOR UNFAIR DISMISSAL CASES TO COME FOR HEARING TO THE TRIBUNAL

The average waiting period for a case to come for hearing before the Tribunal was approximately **13** weeks in Dublin and **19** weeks in provincial areas. Annex 1(I).

CIRCUIT COURT APPEALS

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 regulations made under the Circuit Court Rules. The regulations also provide a means for the Tribunal to be informed of the referral and result of cases appealed to the Circuit Court.

The following information for **2001** was obtained from the various Circuit Court Offices:

43 Tribunal determinations were appealed to the Circuit Court; of these appeals **8** were upheld by the Court; **2** were upset; **8** were adjourned; **10** were struck out; and **15** have not yet been heard.

NUMBER OF TRIBUNAL SITTINGS

During the year under review, Divisions of the Tribunal sat (sometimes simultaneously) on **225** days at **55** different venues throughout the country. On **207** of these days, **2** or more Divisions of the Tribunal sat. The total number of sittings was **693** (**334** in Dublin and **359** in the Provinces). The number of sittings at each venue varied from a single sitting at a number of venues in the Provinces to **334** in Dublin.

Details of the venues and the number of sittings at each venue are shown in **Annexe 3(A)**. Particulars of Tribunal sittings in 2001 are shown at **Annexe 3(B)**.

NUMBER OF POSTPONEMENTS

Cases are set down for hearing and dates notified to the parties, on average three to four weeks in advance.

Postponements may be granted only in exceptional circumstances. If a postponement is sought at once, and with the consent of the other party concerned, it may be granted. If a postponement is

sought later and/or without the consent of the other party it is likely to be refused. This setting down system, designed primarily for the convenience of parties, renders some applications for postponements inevitable. 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, and increases costs and the delay between the date of referral of a claim and the date of hearing for all claimants. There were **111.5** lost sittings of divisions due to postponements in 2001.

REPRESENTATION AT HEARINGS

A party to an application may appear and be heard in person or be represented by counsel or solicitor or by a representative of a trade union or of an employer's association or, with the leave of the Tribunal, by any other person. Any party to a case may have one or more representative(s) acting on its behalf.

Details of the representation at hearings are as follows:

The total number of cases heard by the Tribunal under the various Acts or combination of Acts in 2001 was **988**

802 employee parties (**81.17%**) were represented (**255** by trade unions, **496** by solicitors and/or counsel and **51** by other persons).

628 employer parties (**63.56%**) were represented (**90** by employers' associations, **389** by solicitor and/or counsel and **149** by other persons)

The total number of cases heard by the Tribunal involving claims under the Unfair Dismissals Acts, 1977 to 1993 was **621**:

500 employee parties (**80.5%**) were represented (**69** by trade unions, **402** by solicitor and/or counsel and **29** by other persons)

451 employer parties (**73%**) were represented (**69** by employers' associations, **340** by solicitor and/or counsel and **42** by other persons)

INFORMATION ON TRIBUNAL

An information booklet on the Tribunal as well as Guidelines for Practitioners appearing before the Tribunal are available free of charge from the **Information Unit, Department of Enterprise, Trade and Employment**. These are issued to all parties to unfair dismissal disputes prior to hearings.

A description of the service provided by the Tribunal and how to avail of it, as well as contact points, certain publications and frequently asked questions are available on the Department of Enterprise, Trade and Employment's website at www.entemp.ie. This Report is also available on the aforementioned website.

A Register of the Decisions and Determinations made by the Tribunal is kept at the office of the Secretariat.

The Secretariat's address is:

Department of Enterprise, Trade and Employment

Davitt House

65A Adelaide Road

Dublin 2.

The Register is open for inspection there by any member of the public during normal office hours.

Kate T. O' Mahony B.L
CHAIRMAN

Appendices

- ANNEXE 1(A)** Summary of Claims referred in 2001 and the Outcome of the claims disposed of in 2001.
- ANNEXE 1(B)** Summary Outcome of Appeals under the Unfair Dismissals Acts, 1977 to 2001 against the Recommendations of Rights Commissioners Referred to the Tribunal in 2001 and the Outcome of the Appeals disposed of in 2001.
- ANNEXE 1(C)** Summary Outcome of Appeals under the Payment of Wages Act, 1991 against the Decisions of Rights Commissioners Referred to the Tribunal in 2001 and the Outcome of the Appeals Disposed of in 2001.
- ANNEXE 1(D)** Summary Outcome of Appeals under the Terms of Employment (Information) Act, 1994 and 2001 against the Recommendations of Rights Commissioners referred to the Tribunal in 2001 and the Outcome of the Appeals Disposed of in 2001.
- ANNEXE 1(E)** Summary Outcome of Appeals under the Maternity Protection Act, 1994 against the Recommendations of Rights Commissioners Referred to the Tribunal in 2001 and the Outcome of the Appeals Disposed of in 2001.
- ANNEXE 1(F)** Summary Outcome of Appeals under the Parental Leave Act, 1998 against the Decisions of Rights Commissioners Referred to the Tribunal in 2001 and the Outcome of the Appeals Disposed of in 2001.
- ANNEXE (1G)** Summary of outcome of claims referred and disposed of under the Unfair Dismissals Acts, 1997 to 2001 where the Recommendations of the Rights Commissioner were not carried out.
- ANNEXE 1(H)** Summary of outcome of claims referred and disposed of in 2001 under the Terms of Employment (Information) Act 1994 and 2001 where the Recommendations of the Rights Commissioner were not carried out.
- ANNEXE 1(I)** Average Waiting Period between date of Receipt and date of Hearing for Unfair Dismissal Cases received in 2001 with comparative figures for 1998, 1999 and 2000
- ANNEXE 2** Distribution of Compensation awarded by the Tribunal in Determinations of Unfair Dismissal
- ANNEXE 3(A)** Number of Sittings of the Tribunal at the various venues
- ANNEXE 3(B)** Particulars of Tribunal sittings in 2001.

Annexe 1 (A)

Summary Of Claims Referred And The Outcome Of The Claims Disposed Of In 2001

Act	Number of Claims Referred*1	Allowed	Dismissed	Withdrawn during Hearing	Withdrawn prior to Hearing	Total No. of Claims Disposed of*2
Redundancy Payments	612	253	121	124	55	553
Minimum Notice and Terms of Employment	3216	1774	211	216	135	2336
Unfair Dismissal (Direct Claims)	894	124	108	301	158	691
Protection of Employees (Employers' Insolvency)	6	2	-	-	-	2
Worker Protection (Regular Part-Time Employees) Act	65	2	20	15	17	54
Organisation of Working Time	264	76	25	64	41	206
TOTAL	5057	2231	485	720	406	3842

*1. Some claims referred in 2001 not yet disposed of

*2. Some claims disposed of in 2001 were referred in 2000

Unfair Dismissals appeals against the Recommendations of Rights Commissioners are excluded - See Annexe 1 (B)

Payment of Wages appeals against the Decisions of Rights Commissioners are excluded - See Annexe 1 (C)

Terms of Employment (Information) appeals against the Recommendations of Rights Commissioners are excluded - See Annexe 1(D)

Maternity Protection Act appeals against the Recommendations of Rights Commissioners are excluded - See Annexe 1(E)

Parental Leave Act, appeals against the Decisions of Rights Commissioners are excluded - See Annexe 1(F)

Unfair Dismissals Claims referred where the Decisions of the Rights Commissioner was not carried out are excluded – See Annexe 1(G)

Terms of Employment (Information) Claims referred where the Recommendations of the Rights Commissioner was not carried out are excluded – See Annexe 1(H)

Annexe 1 (B)

SUMMARY OUTCOME OF APPEALS UNDER THE UNFAIR DISMISSALS ACTS 1977 TO 2001 AGAINST THE RECOMMENDATIONS OF RIGHTS COMMISSIONERS REFERRED TO THE TRIBUNAL IN 2001 AND THE OUTCOME OF THE APPEALS DISPOSED OF IN 2001

APPEALS BY EMPLOYEES					
Number Referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total No. of Appeals disposed of
27	4	2	5	7	18

APPEALS BY EMPLOYERS					
Number Referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total No. of Appeals disposed of
20	5	2	1	9	17

OUTCOME OF APPEALS					
Total No. of Appeals Referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total No. of Appeals disposed of
47	9	4	6	16	35

*Some appeals referred in 2001 not yet disposed of

*Some appeals disposed of in 2001 were referred in 2000

Annexe 1 (C)

SUMMARY OUTCOME OF APPEALS UNDER THE PAYMENT OF WAGES ACTS 1991 AGAINST THE DECISIONS OF RIGHTS COMMISSIONERS REFERRED TO THE TRIBUNAL IN 2001 AND THE OUTCOME OF THE APPEALS DISPOSED OF IN 2001

APPEALS BY EMPLOYEES					
Number Referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total No. of Appeals disposed of
35	5	-	1	21	27

APPEALS BY EMPLOYERS					
Number Referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total No. of Appeals disposed of
40	16	3	6	8	33

OUTCOME OF APPEALS					
Total number of Appeals Referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total No. of Appeals disposed of
75	21	3	7	29	60

*Some appeals referred in 2001 not yet disposed of

*Some appeals disposed of in 2001 were referred in 2000

Annexe 1 (D)

SUMMARY OUTCOME OF APPEALS UNDER THE TERMS OF EMPLOYMENT (INFORMATION) ACT 1994 AND 2001 AGAINST THE RECOMMENDATIONS OF RIGHTS COMMISSIONERS REFERRED TO THE TRIBUNAL IN 2001 AND THE OUTCOME OF THE APPEALS DISPOSED OF IN 2001

APPEALS BY EMPLOYEES

Number Referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals. Withdrawn	Total No. of Appeals disposed of
17	7	1	-	-	8

APPEALS BY EMPLOYERS

Number Referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total No. of Appeals disposed of
7	3	-	1	2	6

OUTCOME OF APPEALS

Total Number of Appeals Referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total No. of Appeals disposed of
24	10	1	1	2	14

*Some appeals referred in 2001 not yet disposed of

*Some appeals disposed of in 2001 were referred in 2000

Annexe 1 (E)

SUMMARY OUTCOME OF APPEALS UNDER THE MATERNITY PROTECTION ACT 1994 AGAINST THE DECISIONS OF RIGHTS COMMISSIONERS REFERRED TO THE TRIBUNAL IN 2001 AND THE OUTCOME OF THE APPEALS DISPOSED OF IN 2001

APPEALS BY EMPLOYEES

Number Referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total No. of Appeals disposed of
0	0	0	0	0	0

APPEALS BY EMPLOYERS

Number Referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total No. of Appeals disposed of
1	0	0	0	1	1

OUTCOME OF APPEALS

Total No. of Appeals referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total No. of Appeals disposed of
1	0	0	0	1	1

*Some appeals disposed of in 2001 were referred in 2000

Annexe 1 (F)

SUMMARY OUTCOME OF APPEALS UNDER THE PARENTAL LEAVE ACT 1998 AGAINST THE DECISIONS OF RIGHTS COMMISSIONERS REFERRED TO THE TRIBUNAL IN 2001 AND THE OUTCOME OF THE APPEALS DISPOSED OF IN 2001

APPEALS BY EMPLOYEES

NUMBER REFERRED	REC. UPHELD	REC. UPSET	REC. VARIED	APPEALS WITHDRAWN	TOTAL NO. OF APPEALS DISPOSED OF
1	1	-	-	-	1

APPEALS BY EMPLOYERS

NUMBER REFERRED	REC. UPHELD	REC. UPSET	REC. VARIED	APPEALS WITHDRAWN	TOTAL NO. OF APPEALS DISPOSED OF
4	3	1	-	1	5

OUTCOME OF APPEALS

TOTAL NUMBER OF APPEALS REFERRED	REC. UPHELD	REC. UPSET	REC. VARIED	APPEALS WITHDRAWN	TOTAL NO. OF APPEALS DISPOSED OF
5	4	1	-	1	6

*Some appeals disposed of in 2001 were referred in 2000

Annexe 1 (G)

SUMMARY OUTCOME OF CLAIMS REFERRED AND DISPOSED OF IN 2001 UNDER THE UNFAIR DISMISSALS ACTS 1977 TO 2001 WHERE THE RECOMMENDATIONS OF THE RIGHTS COMMISSIONERS WERE NOT CARRIED OUT

NUMBER REFERRED	REC. UPHELD	WITHDRAWN	TOTAL NO. OF CLAIMS DISPOSED OF
16	6	5	11

*Some claims disposed of in 2001 were referred in 2000

Annexe 1 (H)

SUMMARY OUTCOME OF CLAIMS REFERRED AND DISPOSED OF IN 2001 UNDER THE TERMS OF EMPLOYMENT (INFORMATION) ACT 1994 AND 2001 WHERE THE RECOMMENDATIONS OF THE RIGHTS COMMISSIONERS WERE NOT CARRIED OUT

NUMBER REFERRED	REC UPHELD	WITHDRAWN	TOTAL NO. OF CLAIMS DISPOSED OF
32	3	22	25

* Some claims disposed of in 2001 were referred in 2000

* Some claims referred in 2001 not yet disposed of

Annexe 1 (I)

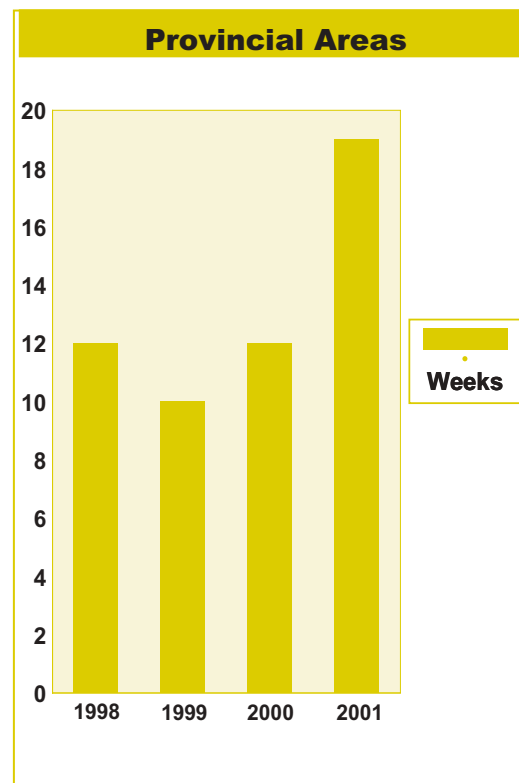
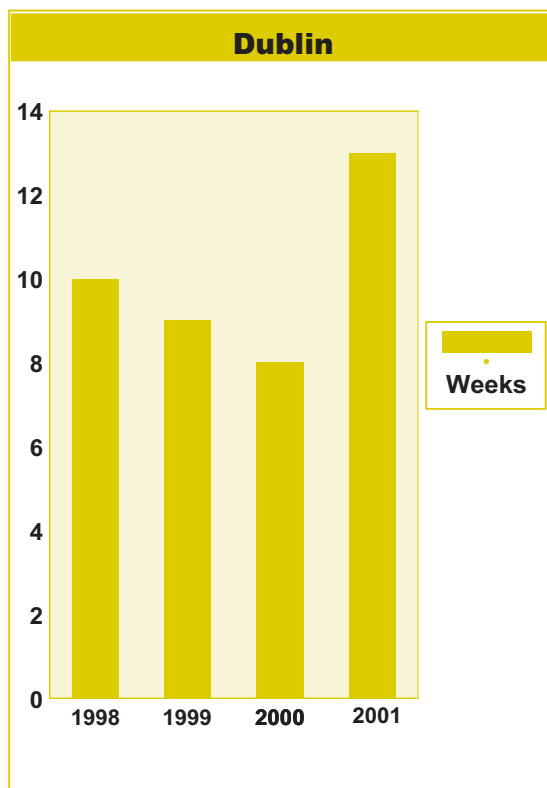
AVERAGE WAITING PERIOD BETWEEN DATE OF RECEIPT AND DATE OF HEARING FOR UNFAIR DISMISSALS CASES RECEIVED IN 2001 WITH COMPARATIVE FIGURES FOR ,1998, 1999 and 2000.

AVERAGE WAITING PERIOD FOR DUBLIN

	1998	1999	2000	2001
Weeks	10	9	8	13

AVERAGE WAITING PERIOD FOR PROVINCIAL AREAS

	1998	1999	2000	2001
Weeks	12	10	12	19



Annexe 2

DISTRIBUTION OF COMPENSATION AWARDED BY THE TRIBUNAL IN DETERMINATIONS OF UNFAIR DISMISSAL

Total Awarded = € 861,654.99
Average = € 5,286.23

Compensation Award €	Number	Compensation Award €	Number
0	1	5001-6000	9
1 - 250	12	6001-7000	9
251 - 500	14	7001-8000	5
501 - 750	8	8001-9000	1
751 - 1000	9	9001-10000	2
1001 - 2000	36	10001-15000	14
2001 - 3000	10	15001-20000	3
3001 - 4000	14	20001-25000	2
4001 - 5000	9	> 25001	5

Re-instatement was ordered in 4 cases
Re-engagement was ordered in 6 cases

Annexe 3 (A)

NUMBER OF SITTINGS OF THE TRIBUNAL AT VARIOUS VENUES

LEINSTER		MUNSTER		CONNAUGHT		ULSTER	
VENUE	NO. OF SITTINGS AT EACH VENUE	VENUE	NO. OF SITTINGS AT EACH VENUE	VENUE	NO. OF SITTINGS AT EACH VENUE	VENUE	NO. OF SITTINGS AT EACH VENUE
Arklow	1	Bantry	1	Ballaghaderreen	1	Ballybofey	1
Athlone	2	Cashel	5	Ballinasloe	2	Buncrana	1
Birr	2	Charleville	1	Carrick-on-		Carrickmacross	3
Carlow	5	Clonmel	9	Shannon	6	Cavan	7
Drogheda	16	Cork	68	Castlebar	9	Donegal	3
Dublin	334	Dungarvan	1	Galway	20	Letterkenny	5
Dundalk	13	Ennis	7	Roscommon	1	Monaghan	6
Edgeworthstown	2	Fermoy	1	Sligo	12		
Enniscorthy	4	Killarney	4				
Kill	6	Limerick	40				
Kilkenny	9	Macroom	1				
Mullingar	2	Mallow	2				
Naas	7	Michelstown	1				
Navan	11	Nenagh	5				
New Ross	2	Newcastlewest	1				
Portlaoise	8	Roscrea	2				
Trim	1	Thurles	2				
Tullamore	3	Tipperary	1				
Wexford	5	Tralee	9				
Wicklow	8	Waterford	11				
		Youghal	3				
TOTAL	441		175		51		26

Annexe 3 (B)

PARTICULARS OF TRIBUNAL SITTINGS IN 2001

Qtr. Ended	No. of Sitting days	No. of days 1 Division sat	No. of days 2 Divisions sat	No. of days 3 Divisions sat	No. of days 4 Divisions sat	No. of days 5 Divisions sat	No. of days 6 Divisions sat
31/03/01	60	13	14	13	19	1	-
30/06/01	59	3	12	22	18	4	-
30/09/01	50	1	10	26	6	7	-
31/12/01	56	1	10	21	17	6	1
TOTALS	225	18	46	82	60	18	1

PARTICULARS OF TRIBUNAL SITTINGS IN 2001

Qtr. Ended	No. of Sitings		Total No. of Sitings	No. of days Tribunal sat at 2 venues same day
	Dublin	Provinces		
31/03/01	82	78	160	1
30/6/01	95	88	183	-
30/09/01	68	93	161	-
31/12/01	89	100	189	-
TOTALS	334	359	693	1

