



**AN BINSE ACHOMHAIRC
FOSTAÍOCHTA
THE EMPLOYMENT APPEALS
TRIBUNAL
THIRTY FIFTH ANNUAL REPORT
2002**

Submitted to the

**Tánaiste and Minister for Enterprise, Trade and Employment
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 am pleased to submit the Annual Report of the Employment Appeals Tribunal to you, in accordance with Section 39 (18) of the Redundancy Payments Acts 1967 to 2003.

The Tribunal has extensive jurisdiction, both an original jurisdiction hearing claims at first instance and an appellate jurisdiction hearing appeals against the Recommendations and Decisions of Rights Commissioners. It has jurisdiction under thirteen Acts of the Oireachtas to deal with termination of employment disputes and within employment disputes. The Tribunal also has jurisdiction under two Statutory Instruments: European Communities (Protection of Employment) Regulations, 2000 and European Communities (Safeguarding of Employees' Rights on Transfer of Undertakings) (Amendment) Regulations, 2000. The latter has recently been revoked and replaced by European Communities (Protection of Employees on Transfer of Undertakings) Regulations, 2003.

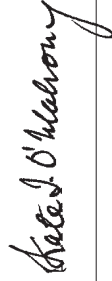
The workload of the Tribunal continues to increase. The number of claims and appeals referred to the Tribunal in 2002 rose to 6,259 from 5,257 in 2001. Most cases are brought under the Minimum Notice and Terms of Employment Acts, Unfair Dismissals Acts, Redundancy Payments Acts, Organisation Of Working Time Act, and Payment of Wages Act. An employee or a former employee frequently makes claims under a number of Acts, and the Tribunal deals with all of these at the one hearing. The greatest numerical increase in cases referred to the Tribunal was under the Minimum Notice and Terms of Employment Acts. However, from the Tribunal's perspective the most significant increase in terms of the Tribunal's time and resources is the increase to 1,311 from 957 in the number of claims and appeals referred to the Tribunal under the Unfair Dismissals Acts. These claims and appeals under the Unfair Dismissals Acts are also significant for the users of the Tribunal in that in these cases the employment relationship has broken down and, in many cases, the employee may not have secured alternative employment. Dealing with this increase will impose a considerable strain on the Tribunal's limited resources.

I am happy to report that the Tribunal disposed of 4,602 claims and appeals in the year 2002, which was an increase of 608 cases on the year 2001. The claims and appeals disposed of under the Unfair Dismissals Acts rose to 970 in 2002 from 737 in 2001, which was an increase of 32%. This is a very satisfactory result for the Tribunal in what is its most time-consuming work. This good result was made possible by increasing the number of days on which four or five Divisions of the Tribunal sat. The Tribunal is conscious of the need to provide an inexpensive, fair and informal forum for the speedy resolution of employment disputes within its jurisdiction. I believe that we have successfully met this challenge over the period of this report.

This is my second report as Chairman of the Tribunal. I wish to thank the Members for their commitment, dedication and support to the Tribunal during 2002. I also express my gratitude to the Secretary and the Tribunal Secretariat staff for their dedication and good work in support of the Tribunal and for the courtesy they show 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. I look forward to continuing support from both of you over the coming year to enable the Tribunal to satisfactorily deal with its increasing workload.

Yours sincerely



Kate T. O'Mahony
CHAIRMAN



Thirty Fifth Annual Report of the Employment Appeals Tribunal for Year Ending 31st December, 2002

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 2001;
- 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 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. 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, 2002

Chairman:

Kate T. O'Mahony, Barrister-at-Law.

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

Dara Hayes, Barrister-at-Law

Dan Horan

Elva Kearney, Barrister-at-Law

Margaret Levey, 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

Moya Quinlan, Solicitor

Joe Revington, Barrister-at-Law

Tom Ryan, Solicitor

Jeremiah Sheedy, Solicitor

Employers Panel:

Brian Aylward, Patrick Bracken, Clare Carroll, Pat Casey,
Anne Delahunt, Michael Dunne,
Carl Fay, T.P. Flood, Michael Forde, Richard Gully
Richard Keating, Ben Kealy,
Richard Keenan, Tina Leonard, Gerry McAuliffe, Mark McGrath,
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.

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, Michael McGarry, Bernard McKenna,
Alice Moore, Clare O'Connor, Kevin O'Connor, Seamus O'Donnell,
Patrick O'Shaughnessy, Tommy Perkins, Sean Redmond,
Ciaran Ryan, Catherine Warnock, Patrick Woods.
(2 Vacancies)

Secretary:

Breda Cody

Appeals and Claims referred to the Tribunal During 2002

Legislation	2001		2002	
	No.	No.	No.	No.
Minimum Notice and Terms of Employment Acts	3216		3966	
Unfair Dismissals Acts (including 64 Appeals against Rights Commissioners' Recommendations)	957		1311*	
Redundancy Payments Acts	612		485	
Protection of Employees (Employers' Insolvency) Acts	6		7	
Worker Protection (Regular Part-Time Employees) Act	65		0	
Maternity Protection Act	1		3	
Payment of Wages Act (Appeals against Rights Commissioners' Decisions)	75		85	
Terms of Employment (Information) Act (Appeals against Rights Commissioners' Recommendations)	56		6	
Adoptive Leave Act (Appeals against Rights Commissioners' Recommendations)	-		-	
Protection of Young Persons (Employment) Act (Appeals against Rights Commissioners' Recommendations)	-		-	
Organisation of Working Time Act	264		327	
Parental Leave Act (Appeals against Rights Commissioners' Decisions)	5		2	
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)	-		2	
European Communities (Protection of Employment) Regulations, 2000 (Appeals against Rights Commissioners' Decision)	-		65	
Carer's Leave Act, (Appeals against Rights Commissioners' Decision)	-		-	
TOTAL	5,257		6,259	

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 **328** claims disposed of, **120** were allowed, **48** were dismissed, **78** were withdrawn during hearing and **82** 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 **2,925** claims disposed of, **2,097** were allowed, **382** were dismissed, **284** were withdrawn during hearing and **162** 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 **906** claims disposed of, **135** were allowed, **131** were dismissed, **414** were withdrawn during hearing and **226** were withdrawn prior to hearing.

Appeals against Recommendations of Rights Commissioners

Of the **51** appeals against the Recommendations of Rights Commissioners disposed of by the Tribunal, **18** were upheld, **5** were upset, **2** were varied and **26** were withdrawn.

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

Of the **13** claims disposed of by the Tribunal, **4** were upheld, and **9** were withdrawn.

Outcome of Claims

The Tribunal awarded compensation amounting to **973,045.22** in **183** cases. The average compensation awarded by the Tribunal was **5,317.19**. Re-instatement was ordered in **1** case and re-engagement was ordered in **3** 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.

3 cases were appealed to the Tribunal in 2002. One (**1**) case was disposed of.

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.

7 complaints were disposed of, and of these 4 were allowed and 3 were withdrawn prior to hearing.

WORKER PROTECTION (REGULAR PART-TIME EMPLOYEES) ACT, 2001

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 2001 Act the Tribunal disposed of 37 claims of which 3 were allowed, 15 were dismissed, 14 were withdrawn during hearing and 5 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 59 appeals disposed of by the Tribunal, 15 were upheld, 13 were upset, 1 was varied and 30 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 **2** appeals disposed of by the Tribunal, **1** was upheld and **1** was withdrawn.

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

Of the **3** claims disposed of by the Tribunal, **2** were upheld and **1** was 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, 2002.

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, 2002.

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 **245** claims disposed of by the Tribunal during the year ending 31st December, 2002. Of these **28** were allowed, **48** were dismissed, **114** were withdrawn during hearing and **55** 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 **1** appeal in 2002. This appeal was upheld.

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 to the Tribunal during the year ending 31st December 2002.

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 exempted 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.

Sixty-five (65) appeals were referred to the Tribunal during the year ending 31st December 2002. Twenty two (22) appeals were disposed of by the Tribunal. The appeals were allowed.

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 exempted 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.

Two (2) appeals were referred to the Tribunal during the year ending 31st December 2002. These appeals were withdrawn.

Carer's Leave Act, 2001

This Act provides for the 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 2002.

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 **23** weeks in Dublin and **19** weeks in provincial areas. Annex 1(E).

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.

From the information available to the Tribunal **48** Tribunal determinations were appealed to the Circuit Court in 2002. Of these appeals **18** were upheld by the Court; **4** were upset; **1** was struck out; and **25** 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 **64** different venues throughout the country. On **220** of these days, **2** or more Divisions of the Tribunal sat. The total number of sittings was **857** (**432** in Dublin and **425** in the Provinces). The number of sittings at each venue varied from a single sitting at a number of venues in the Provinces to **432** 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 2002 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 **200** lost sittings of divisions due to postponements in 2002.

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 2002 was **1222**.

- **963** employee parties (**78.81%**) were represented (**348** by trade unions, **578** by solicitors and/or counsel and **37** by other persons).
- **695** employer parties (**56.87%**) were represented (**82** by employers' associations, **448** by solicitor and/or counsel and **165** by other persons).

The total number of cases heard by the Tribunal involving claims under the Unfair Dismissals Acts, 1977 to 2001 was **779**:

- **597** employee parties (**76.6%**) were represented (**89** by trade unions, **484** by solicitor and/or counsel and **24** by other persons).
- **519** employer parties (**66.6%**) were represented (**75** by employers' associations, **399** by solicitor and/or counsel and **45** 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 2002 and the Outcome of the Claims Disposed of in 2002.
- ANNEXE 1(B)** Summary Outcome of Appeals under Legislation outlined against the Recommendations of Rights Commissioners referred to the Tribunal in 2002 and the Outcome of the Appeals disposed of in 2002.
- ANNEXE 1(C)** Summary Outcome of Appeals Referred and Disposed of in 2002 where the Recommendation of the Rights Commissioners were not carried out.
- ANNEXE 1(D)** Summary Outcome of All Appeals against the Recommendations of Rights Commissioners during 2002.
- ANNEXE 1(E)** Average waiting period between date of receipt and date of hearing for Unfair Dismissals cases received in 2002 with comparative figures for 1998, 1999, 2000, and 2001.
- ANNEXE 2** Distribution of Compensation awarded by the Tribunal in Determinations of Unfair Dismissal during 2002.
- ANNEXE 3(A)** Number of Sitzings of the Tribunal at the Various Venues during 2002.
- ANNEXE 3(B)** Particulars of Tribunal sittings during 2002.

ANNEXE 1 (A)

SUMMARY OF CLAIMS REFERRED TO THE TRIBUNAL IN 2002 AND THE OUTCOME OF THE CLAIMS DISPOSED OF IN 2002

Act	Number of Claims referred* ¹	Allowed	Dismissed	Withdrawn during Hearing	Withdrawn prior to Hearing	Total Number of Claims Disposed of* ²
Redundancy Payments	485	120	48	78	82	328
Minimum Notice and Terms of Employment	3966	2097	382	284	162	2925
Unfair Dismissal (Direct Claims)	1220	135	131	414	226	906
Protection of Employees (Employers' Insolvency)	7	4	0	0	3	7
Worker Protection (Regular Part-Time Employees) Act	0	3	15	14	5	37
Organisation of Working Time	327	28	48	114	55	245
TOTAL	6005	2387	624	904	533	4448

*1. Some claims referred in 2002 not yet disposed of

*2. Some claims disposed of in 2002 were referred in 2001

Appeals against the Recommendations of Rights Commissioners are excluded - See Annex 1 (B)

ANNEXE 1 (B)

SUMMARY OUTCOME OF APPEALS UNDER LEGISLATION OUTLINED AGAINST THE RECOMMENDATIONS OF RIGHTS COMMISSIONERS REFERRED TO THE TRIBUNAL IN 2002 AND THE OUTCOME OF THE APPEALS DISPOSED OF IN 2002

Legislation	Total No Referred	Appeals By Employees				Disposed of	Appeals by Employers				Disposed of	Total Disposed of	
		No referred	Outcome of Appeals				No referred	Outcome of Appeals					
			Rec upheld	Rec upset	Rec Varied	Appeals Withdrawn		Rec upheld	Rec upset	Rec Varied	Appeals Withdrawn		
Unfair Dismissals Acts, 1977-2001	71	43	13	3	1	11	28	5	2	1	15	23	51
Payment of Wages Act, 1991	85	27	5	7	0	8	58	10	6	1	22	39	59
Terms of Employment (Information) Act, 1994 & 2001	2	0	0	0	0	0	2	0	1	0	1	2	2
Maternity Protection Act, 1994	3	1	0	0	0	0	2	0	0	0	1	1	1
Parental Leave Act, 1998	2	1	0	0	0	0	1	1	0	0	0	1	1
EC (Transfer of Undertakings) Regulations 2000	2	2	0	0	0	2	0	0	0	0	0	0	2
EC (Protection of Employment) Regulations 2000	43	0	0	0	0	0	43	0	0	0	0	0	0
Total	208	74	18	10	1	21	134	16	9	2	39	66	116

*Some appeals referred in 2002 not yet disposed of

*Some appeals disposed of in 2002 were referred in 2001

ANNEX 1(C)

SUMMARY OUTCOME OF APPEALS REFERRED AND DISPOSED ON IN 2002 WHERE THE RECOMMENDATIONS OF THE RIGHTS COMMISSIONERS WERE NOT CARRIED OUT

Legislation	Total number of appeals referred	Rec Upheld	Appeals Withdrawn	Total number of appeals disposed of
Unfair Dismissals Act 1977 - 2001	20	4	9	13
Terms of Employment (Information) Act 1994 - 2001	4	2	1	3
EC (Protection of Employment) Regulations 2000	22	22	-	22
Total	46	28	10	38

ANNEX 1(D)
SUMMARY OUTCOME OF ALL APPEALS AGAINST THE RECOMMENDATIONS OF THE
RIGHTS COMMISSIONERS DURING 2002

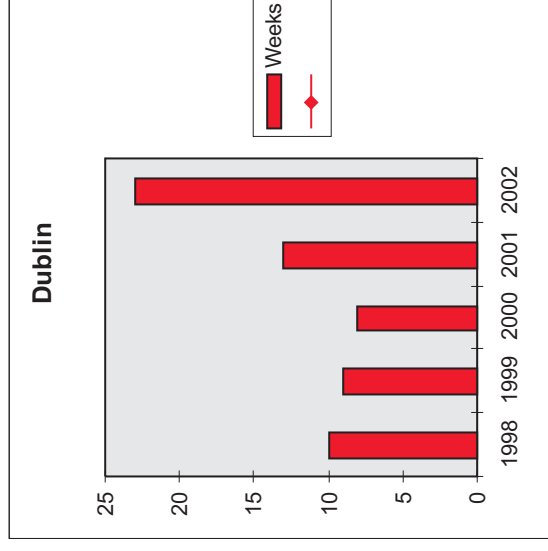
Total number of appeals referred	Rec. Upheld	Rec. Upset	Rec. Varied	Appeals Withdrawn	Total number of appeals disposed of
254	62	19	3	70	154

ANNEX 1(E)

AVERAGE WAITING PERIOD BETWEEN DATE OF RECEIPT AND DATE OF HEARING FOR UNFAIR DISMISSALS CASES RECEIVED IN 2002 WITH COMPARATIVE FIGURES FOR ,1998, 1999, 2000 and 2001.

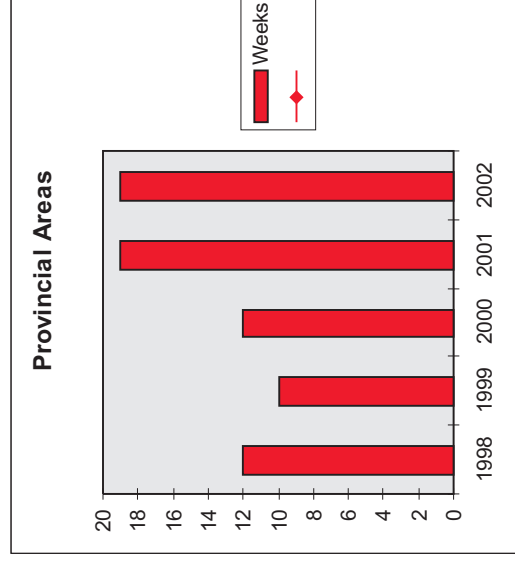
Average Waiting Period for Dublin

	1998	1999	2000	2001	2002
Weeks	10	9	8	13	23



Average Waiting Period for Provincial Areas

	1998	1999	2000	2001	2002
Weeks	12	10	12	19	19



ANNEX 2

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

Total Awarded = € 973,045.22
 Total number of Determinations of Unfair Dismissal = 183
 Average = € 5,317.19

Compensation Award €	Number	Compensation Award €	Number
0	3	5001-6000	6
1 - 250	4	6001-7000	10
251 - 500	15	7001-8000	6
501 - 750	18	8001-9000	4
751 - 1000	15	9001-10000	3
1001 - 2000	39	10001-15000	14
2001 - 3000	16	15001-20000	9
3001 - 4000	6	20001-25000	2
4001 - 5000	8	> 25001	5

Re-instatement was ordered in **1** case
 Re-engagement was ordered in **3** cases

ANNEX 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
Athboy	1	Bantry	1	Athlone	4	Ballybofey	1
Carlow	7	Cahiriveen	1	Ballina	3	Buncrana	5
Drogheda	10	Cashel	2	Ballinasloe	1	Carrickmacross	3
Dublin	432	Castletownbere	1	Boyle	1	Cavan	9
Dundalk	14	Charleville	1	Carrick-on-		Cootehill	1
Edgeworthstown	1	Clonakilty	1	Shannon	6	Donegal	1
Enfield	1	Clonmel	15	Castlebar	4	Letterkenny	9
Enniscorthy	1	Cork	77	Clifden	1	Monaghan	13
Granard	2	Dungarvan	1	Galway	19		
Kells	4	Ennis	7	Loughrea	2		
Kill	19	Fermoy	3	Roscommon	2		
Kilkenny	8	Killarney	8	Sligo	9		
Longford	3	Limerick	56	Westport	5		
Mullingar	6	Lismore	1				
Navan	10	Mallow	1				
New Ross	1	Michelstown	2				
Portlaoise	6	Nenagh	4				
Trim	1	Roscrea	2				
Tullamore	4	Templemore	1				
Wexford	10	Thurles	2				
Wicklow	5	Tralee	7				
		Waterford	16				
		Youghal	2				
TOTAL	546		212		57		42

ANNEXE 3 (B)

PARTICULARS OF TRIBUNAL SITTINGS IN 2002

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	Number of Sittings Dublin Provinces	Total No. of Sittings	No. of days Tribunal sat at 2 venues same day	
										204	-
31/03/02	60	2	7	22	24	4	1	110	94	204	-
30/06/02	61	2	5	16	27	10	1	104	120	224	-
30/09/02	50	1	1	9	18	18	3	106	104	210	-
31/12/02	54	0	3	12	21	15	3	112	107	219	-
TOTALS	225	5	16	59	90	47	8	432	425	857	-