

Labour Relations Commission

**Annual Report for 2010
and
Challenges in 2011**



Annual Report for 2010 and Challenges in 2011

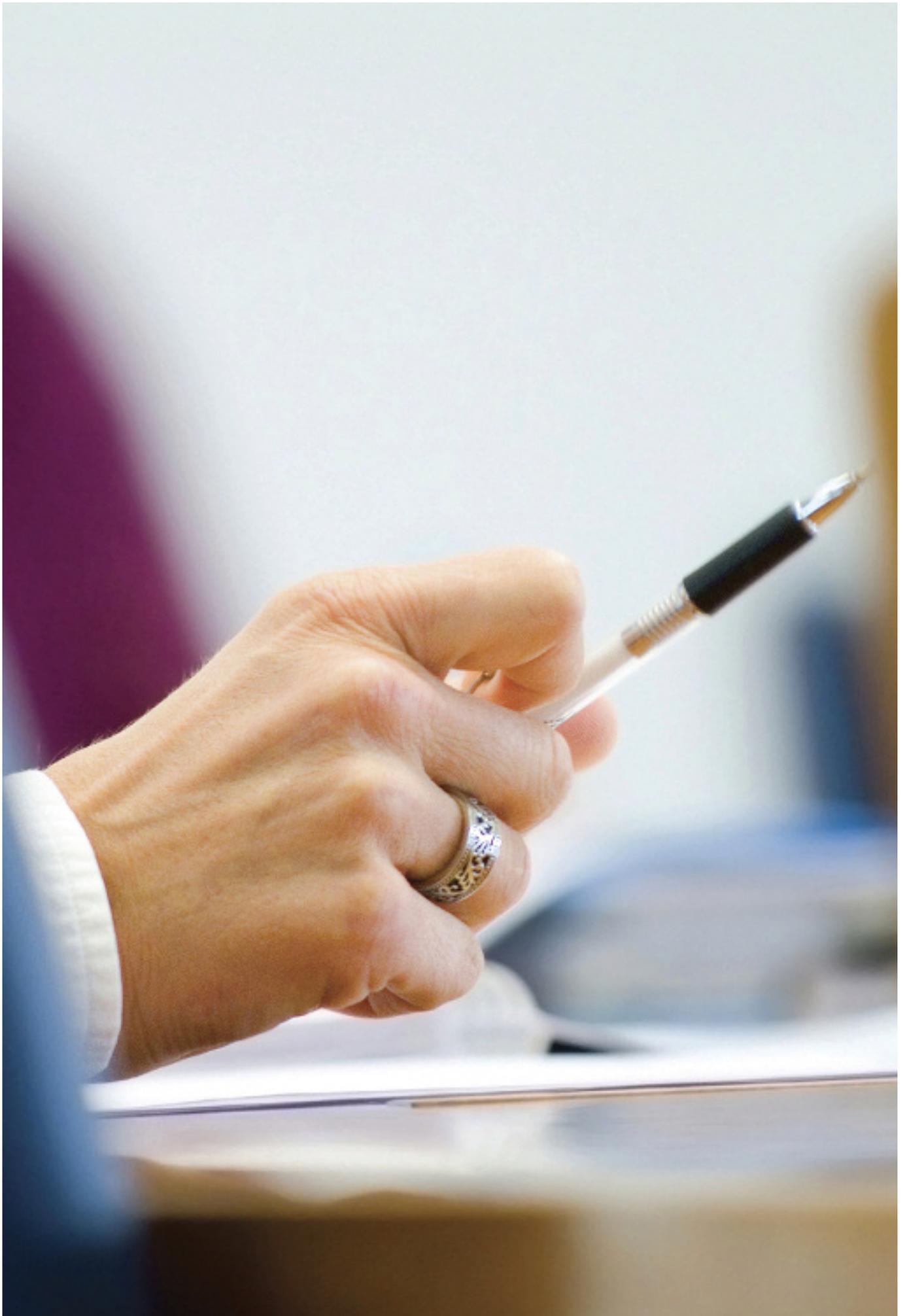
Presented to the Minister for Enterprise, Jobs and Innovation
Mr Richard Bruton, T.D.

“27.—(3) The Commission shall in each year, at such date as the Minister may direct, make a report of its activities to the Minister including such observations as it thinks proper relating to trends and developments in industrial relations including pay and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.”

Industrial Relations Act, 1990

April 2011

Including Annual Accounts for 2009



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Chairman's Statement



The Commission continues to be a key organisation in the developing changes in the Irish industrial relations landscape. Its services continue to be in demand from enterprises, trade unions, employees and legal representatives operating in all sectors of our economy.

It is essential therefore that the Commission remains focused on the key essentials of dispute resolution and dispute prevention and that by providing timely interventions and astute judgement to its involvement it therefore helps to serve the key interests of all its clients. With this requirement in mind, the Board brought forward its review of Strategy in 2010 in order to meet the continually changing Irish macro and micro economic and social environment brought on by the financial pressures in the private and public sectors.

The Strategy Statement entitled "Building Better Employment Relations in a Recessionary Period" focuses the Commission upon the primary objectives which will inform its activities over the next three years and these are outlined in the Annual Report.

The Commission's role is to place itself at a central level in enabling and assisting private and public enterprises in managing change and transformation through engagement, consultation, conciliation and agreement. In the public service it sees itself as contributing to the public service reform agenda and in this role played a key role in initiating and bringing to conclusion the Public Service Agreement 2010-2014 after the initial breakdown of talks between Government and Public Service Unions in December 2009.

The Board of the Commission wishes also to pay tribute to the continuing excellence of the work of its staff in all of our services and in providing a dedicated commitment to public service and the objective of the establishing legislation.

A handwritten signature in black ink, appearing to be 'Breege O'Donoghue'. The signature is stylized and written in a cursive-like font.

Breege O'Donoghue
Chairman

Chief Executive's Review



We live in a period of unprecedented change when almost all of the known certainties have been swept away. Each week of the Commissions' activities brings the above statement into play in the enterprises, services, and employees who seek our assistance. The intensity and rapidity of the economic tsunami which has overtaken Ireland and our major trading economies have had a severe impact on employment levels and on the standard of living of our citizens. In 2010 record numbers of referrals were received in the Rights Commissioner Service which were indicative of the rising unemployment being experienced particularly in the construction sector and allied services, the hospitality industry and the small and medium retail sector.

Whereas, the level of collective interest referrals to the Conciliation Service may have declined in 2010, those referrals being received by the Commission now more frequently encompass whole company or public service level transformation involving a myriad of pay, pension, employment and business practice issues to meet the competitive or public expenditure environment.

The Advisory Service continues to provide both sectoral and individual enterprise employment relations reviews. Significant and ground-breaking applied research activities were undertaken in the human resources, dispute resolution and employment legislative areas and these are outlined in the Report.

2010 marked the 40th anniversary of the establishment of the Rights Commissioner Service and this is

celebrated by the publication of a history of the service (author Maurice Cashell) and the 20th anniversary of the establishment of the Commission (forthcoming publication).

As we face into with what is becoming a year of further significant challenge, the Commission is continuing to adopt and equip itself to meet the many calls which have emerged already for its services in 2011.

I believe the role, output and effectiveness of the Commission denotes the real meaning of "public service" and the provision of "value for money" service.

I wish to thank all my colleagues within the Commission for their dedication to that concept of meaningful public service and which is provided sometimes on a round the clock basis, seven days a week.

A handwritten signature in black ink, which appears to read 'Kieran Mulvey'. The signature is written in a cursive style.

Kieran Mulvey
Chief Executive

Staff of the Commission

Members of the Board/Officers of the Commission

Board Members:

Breege O'Donoghue,
Chair (nominated by the Government)

Fergus Whelan
(nominated by the ICTU)

Peter McLoone
(nominated by the ICTU)

Brendan McGinty
(nominated by IBEC)

John Hennessy
(nominated by IBEC)

Iarla Duffy
(Independent member nominated by the Minister)

Gerard Barry
(Independent member nominated by the Minister)

Senior Management Team:

Kieran Mulvey
Chief Executive

Kevin Foley
Director of Conciliation

Freda Nolan
Director of Advisory Service

Eddie Nolan
Director of Corporate Affairs/Rights Commissioner
Service (Secretary to the Board)

Anna Perry
Deputy Director of Conciliation

Board Meetings and the Management Operation of the Commission

There were 10 Board meetings in 2010. Board meetings are scheduled normally for the third Thursday of each month (except for the month of August).

The agenda for Board meetings consist primarily of matters relating to strategic policy, corporate governance, financial oversight and reports on each of the services and activity levels in the Commission.

The Board has one sub-committee – **the Audit Committee**, the membership of which is, Chair: Gerard Barry, Brendan McGinty, Iarla Duffy. Secretary: Eddie Nolan. The Internal Auditor is Clare O'Meara (external appointment).

Membership of The Senior Management Team of the Commission is the Chief Executive, Director of Corporate Affairs/RCS, Advisory Services and the Director and Deputy Director of the Conciliation Service. The Senior Management Team oversees the day to day operations of the Commission, the operation of its services and reports to the Board at monthly intervals.

The Commission operates as a statutory independent body and maintains a regular liaison with the Minister and the Department of Enterprise, Jobs and Innovation through an "Autonomy Agreement". This Agreement is under review currently.



Mission

“To promote the development and improvement of Irish industrial relations policies, procedures and practices, through the provision of appropriate, timely and effective services to employers, trade unions and employees’.

The Commission carries out this mission by providing the following specific services:

- An industrial relations Conciliation Service
- An industrial relations Advisory Service
- A Workplace Mediation Service
- A Rights Commissioner Service
- Assistance to Joint Labour Committees and Joint Industrial Councils in the exercise of their functions.

The Commission undertakes other activities of a developmental nature relating to the improvement of industrial relations practices including:

- The review and monitoring of developments in the area of industrial relations.
- Industrial relations research and publications.
- Organisation of seminars and conferences on industrial relations and human resource management issues.



The Commission published its **Strategic Plan for 2011-2013 in July 2010**. The Strategy entitled **“Building Better Employment Relations in a Recessionary Period”** provided an “environmental scan” of the general economic circumstances prevailing in Ireland in a boom to recessionary period.

The four chapters of the Plan include an analysis of current domestic and international trends and the positions of Government, the Social Partners, continuing external influences on the Irish economy and the strategic objectives/action plans for the Commission itself.

The Strategic Objectives set by the Commission to inform its activities are:

Objective One

Getting through the Recession

Through focused and applied research, in collaboration with the Social Partners, develop a response towards championing those facets of employment relations which can sustain employment in the recession and build new capacities for growth in the future.

Objective Two

Developing Dispute Resolution Capacity

Continue to provide a diverse suite of dispute resolution services in order to meet a rapidly changing business (public and private) employment market and where the nature and extent of the employment relationship is undergoing radical change and which requires an innovative and professional response from all interested parties.

Objective Three

Focusing in the Employment Rights Agenda

To continue to collaborate with the Department and other employment rights agencies in order to streamline the investigation and adjudication of employment rights complaints and to promote the amendment where necessary, of anomalies in employment legislation.

Objective Four

Participating in the Public Sector Reform Agenda

Advocate and support structural reform of the current dispute resolution system in order to increase their efficacy and efficiency for clients and to maximise the appropriate use of limited resources.

Objective Five

Promoting Dispute Resolution Prevention and Management/Employee Engagement

Utilising modern communication technology to enhance, evaluate and promote “best practice” policies on employment relations/employee engagement in all aspects of the Irish economy.

The full text of the Statement of Strategy 2010-2013 is available at www.lrc.ie



Progressing the Strategy

In progressing the objectives set out in our Strategy Statement, the Commission, in association with the CIPD, IBEC and ICTU, undertook a detailed survey and focus group assessment of the parameters and influences on current collective and interest based bargaining in the private sector.

This major and “in-time” current overview of managing and representing staff/employees in a recession was undertaken for the Commission by a research team led by Professor William Roche (Graduate School of Business, UCD) and Professor Paul Teague (QUB).

This Report has now been completed and its findings were presented to a Symposium attended by over 200 human resource managers and trade union officials in Dublin on February 23rd 2011.

The major findings of the research found that:

Most Effective HR Practices

- When asked to identify the most effective HR practices in managing the recession, most frequently identified were:
 - Communication & information disclosure
 - Efficiencies and cost control
 - Engagement & consultation
- These practices also among those strongly associated in focus groups and case studies with ‘good human resource management’ in the recession.

HR Response Programmes

- Multi-stranded hard HR retrenchment programmes adopted in about 1 in 2 workplaces & similar incidence of mainly pay-freeze focused response programmes
- But employers in general seeking to balance hard and soft practices:
 - 7 out of 10 firms combine hard retrenchment programmes with a range of soft HR practices that include more emphasis on communications,

employee engagement measures and the involvement of employees in developing response measures

- 3 out of 10 firms combine hard retrenchment programmes primarily with more emphasis on communications.

Relations with Trade Unions

- The majority of firms appear to consider the participation and contribution of unions during the recession in a fairly positive way.
- More than six out of ten firms stated that they had actively engaged with unions in developing HR options with which to respond to the recession.
- Almost six out of ten firms disagreed that the actions required to respond to the recession have been so urgent that there has been little time to consult or negotiate with trade unions.

Human Resources in the Recession: Some Key Conclusions

- Employers commonly adopting multi-stranded HR response programmes geared to reducing payroll costs but also seeking to preserve motivation and commitment.
- Leaner but more influential HR functions.
- Unions facing unprecedented challenges.
- Is the recession breaking the mould of established patterns of work and employment?

The outcomes of this research and focus group discussions will be published in May 2011.

The Commission has also advocated a streamlining of dispute resolution bodies as part of the institutional public reform agenda.

This objective has been complemented by the Commission undertaking independent legal research to identify and prepare the removal of anomalies and inconsistencies in our current corpus of employment legislation.



Commentary

The resilience of the Social Partnership model has not been lost. The recently concluded **“Public Service Agreement 2010-2014”** and the **“IBEC/ICTU Protocol”** have, in part, sustained the underlying concept of positive engagement around potential dispute flashpoints and the necessity to develop a response to the threats and opportunities presented by our current economic/social circumstances.

The “Implementation Body” for the Public Service Agreement will have key objectives to achieve whilst the ICTU/IBEC protocol ensures a continuous level of contact at key levels between management and unions in key sectors, enterprises and services. Maintaining industrial peace is a key component of national strategy over the next number of years. Given the international economic and trading pressures this aspect of our economy and our willingness to combat our key competitive challenges will be closely scrutinised internationally.

The Commission over the years has developed considerable expertise in various forms of dispute resolution from conciliation to mediation and from ADR to Arbitration. It has a considerable knowledge and experience in many major sectors of the Irish business and state services economy and has a highly successful track record in resolving potential and actual disputes in key industries and services.

Most major collective bargaining agendas in today’s industrial relations landscape range from pay to pensions, retrenchment to redundancy, work practice reform to enterprise reconfiguration, atypical work arrangements to employment law protections. The Commission is conscious of the need to retain this expertise and to continue to develop its services in a rapidly changing employment and enterprise market. Adaptability and availability are key components in the provision of services to employees and unions and by extension to other clients.

These are essential and real “value for money” public services.

The Commission makes this contribution to our national economic performance by:

- Ensuring the orderly processing on new collective agreements.
- The maintenance of industrial peace.
- The reform of our public services and the continuity of service.
- Adaptation, restructuring and innovative work practices.
- Preventative mediation.
- “Best practice” research activities.

In 2010, the Commission contributed to significant business transformation programmes in;

- Aviation/Airports
- Pharma/Chemical Industries
- Banking/Financial Services
- Public Transport
- Education/Health Sector
- Energy and related industries
- Retail
- State sector Services
- Electrical Trades

Dispute avoidance through the use of the Commission services allows management and unions to conclude agreements without the loss of production or continuity of service.



1. The EU/IMF Programme

Since publication of the Commissions' Strategy Plan, the "EU/IMF Programme of Financial Support for Ireland" has been agreed by the Government. (1/2/2010) This has been followed by the Budget for 2011 and a further Financial Emergency Measures in the Public Interest Act 2010 which reduced public sector pensions. This follows an earlier and similar form of emergency legislation in 2009 to effect salary deductions, income levies and increased pension contributions for public servants. The following budgets for the remaining period to 2014 are scheduled to take a further €9 billion out of public expenditure and with **targeted reductions in public service numbers of 25,000.**

2. Economic Forecasts – Main Indicators

While the ESRI project economic growth (GDP) of 1½% in 2011 and 2¼% in 2012 this will largely be through strong export performance with further contractions in the domestic economy.

Employment is expected to average 1.83m in 2011 with little or no growth in 2012. Unemployment is forecast to remain at 13½% in 2011 and 13% in 2012. Emigration is calculated to be of the order of 100,000 over a two year period (April 2010 to April 2012) – back to almost 1989 levels. Consumer prices are expected to increase by 2% in 2011 and 1½% in 2012.

Wages are expected to fall by 1% in 2011 and to remain constant the following year 2012. Cumulatively the overall fall in wages since 2009 to end 2012 will be 5%. The fall in public sector wages will be considerably higher over this period. Worryingly, inflation has begun to increase in light of recent rises in interest rates, health insurance costs, energy and food prices.

3. Cost and Competitive Issues

Though emphasis is being made on wage cost and competitive issues a number of current domestic and international factors are giving rise to concerns:

- The increasing cost of the banking bailout and the restructuring of the industry.
- The cost of international borrowing.
- The drop in domestic demand and consumption.
- Rising energy and oil costs.
- Rising inflationary pressures.
- Negative equity and rising mortgage payment issues in the housing/mortgage ownership markets.
- Rising health insurance costs.
- Public expenditure pressures on social protection schemes.
- Potential rising food costs due to international climatic events.
- The continuing reduction in State receipts.

4. The Conduct of National Negotiations

With the demise of the national social partnership agreement some of the existing structures for addressing these matters between Government, employer bodies and trade unions have fallen into disuse. Recent commentary in some political, economic and media circles have decried the social partnership arrangements as being a contributory factor to current economic circumstances.

Whereas, there may have been some valid criticisms of the above process in recent years, the social partnership negotiating process and subsequent agreements led in the early years and up to 2002 to significant falls in labour costs and a highly competitive international economy. Other issues at central budgetary levels and in the banking and construction industries led to an overheating of the economy. This combined with a tight labour market led to unsustainable labour costs and a loss of competitiveness.

IBEC and ICTU have agreed a national protocol for the orderly conduct of industrial relations and local bargaining in the Private Sector. This protocol restates their commitment and agreement that the stabilisation of sustainable employment is the most important objective to be secured during the economic downturn.



Cost, competitive and pricing issues require to be addressed in a national strategy where the robust assessment of social and economic needs can be addressed in a constructive engagement with key national economic and social organisations. Difficult decisions require to be made in our political, economic and societal framework over the next four years to address fundamental issues in our society if we are to return to a more responsible, responsive and equitable society.

5. Independent Review of ERO and REA Wage Setting Mechanisms

The outgoing Government in line with the National Recovery Plan have initiated an independent review of the framework of statutory wage setting mechanisms known as Employment regulation Orders (ERO) and Registered Employment Agreements (REA). The review is also a commitment under the provisions of the joint EU-IMF Programme for Ireland. The Government has requested that the review be completed within a short timeframe – approximately six weeks from the closing date for submissions from interested parties.

The Review will be conducted jointly by Mr Kevin Duffy, Chairman of the Labour Court, acting in an ad hoc capacity, and by Dr Frank Walsh, Lecturer, School of Economics, University College Dublin, having regard to the need for this independent review to draw both on particular knowledge of the operation of wage setting mechanisms and independent economic expertise.

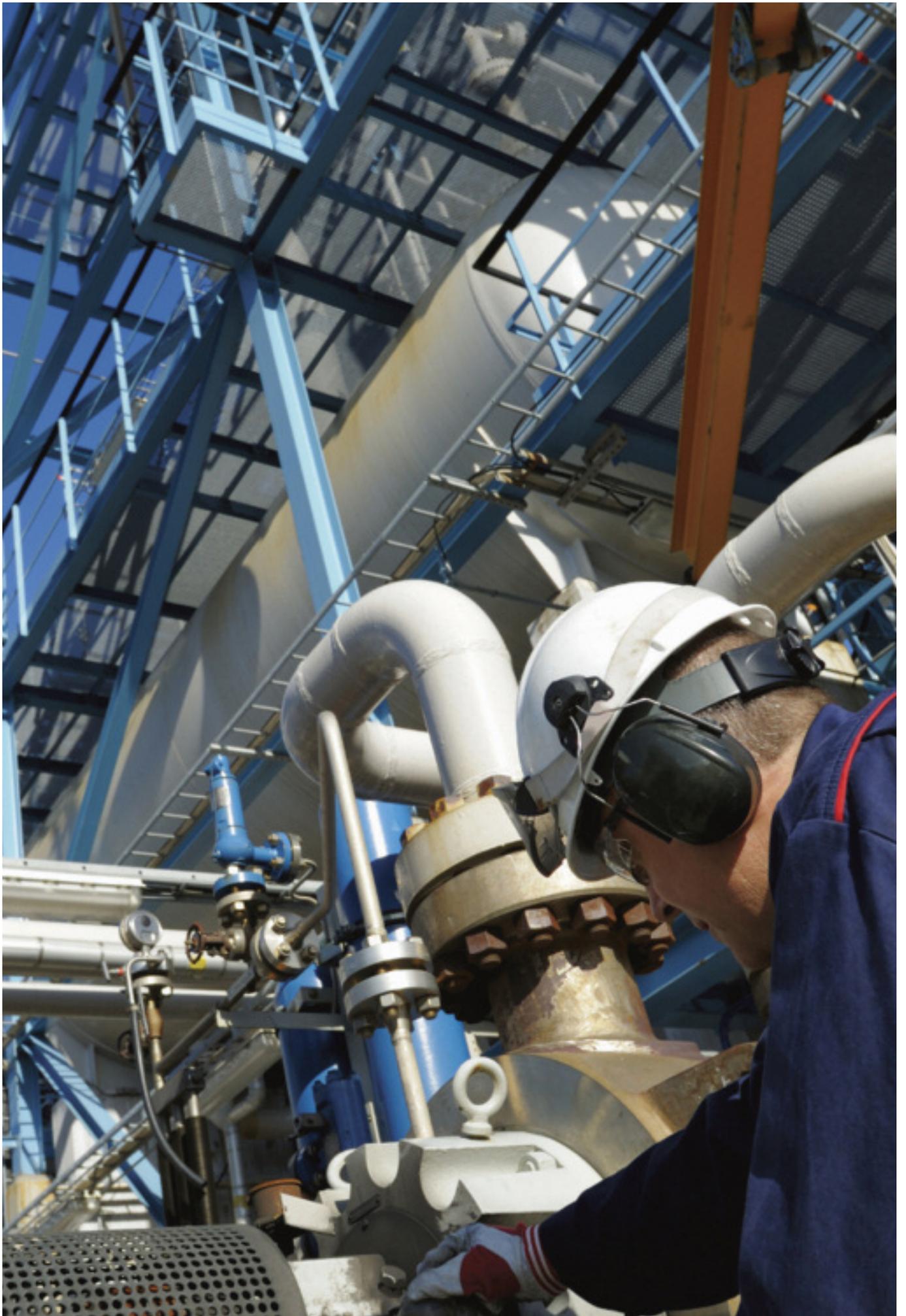
Currently, there are 13 JLC's in existence and some of these are chaired by LRC Industrial Relations Officers. The pay and conditions agreed by the JLC's are given the force of law in Employment Regulation Orders made by the Labour Court on foot of proposals made to the Court by the JLC's.

There are currently 68 Registered Employment Agreements on the Register maintained by the Labour Court.

6. Public Sector Reform – Dispute Resolution Bodies

The Commission, similar to public service organisations, is facing a period of retrenchment in staffing, resources and budget. A degree of uncertainty exists regarding the future organisation of the statutory dispute resolution, inspection services and employment rights investigative bodies. The debate on this re-configuration has now been ongoing since the "Report on Public Service Numbers and Expenditure" and has been the subject of continuous debate in the industrial relations community and in the recent manifestos of the political parties in advance of the formation of the new Government for National Recovery.

As the services of the Commission are essential to employers, trade unions, employees and the Government, as an employer, it would be appropriate that some early decisions be made on the future statutory dispute resolution bodies and their respective or co-ordinated legislative remit.



Outturn of the Services in 2010

- Corporate Services and Board
- Conciliation Service
- Advisory Service
- Rights Commissioner Service

Summary of Costs of Providing the Services

At a meeting of the Joint Oireachtas Committee on Enterprise, Trade and Innovation, held on November 9th, 2010, the then Chairman, Mr. William Penrose, T.D., at the request of Mr. Richard Bruton, T.D. suggested that in future Annual Reports to the Oireachtas, the costs of the Services of the Commission be given as part of the Report. The following table provides a breakdown of the unaudited costs during 2010. The process of examining the Commission's accounts for 2010 has commenced and, will be followed by an Audit that is scheduled to commence in the latter half of April 2011. The Audited Accounts will be published when the Comptroller and Auditor General Office has completed its annual review and issued the relevant certification.

	Breakdown of Summary Costs across Divisions					Total
	Administration	Board	Conciliation	Advisory	Rights Commissioners	
Salaries	223,478	0	1,261,465	369,557	708,620	2,563,120
Fees	0	103,500	0	0	1,291,236	1,394,736
Travel & Subsistence	24,917	5,400	103,822	17,424	167,493	319,056
Rental of Meeting Rooms	0	0	0	0	125,970	125,970
Stationery, Supplies, Comms	18,895	0	63,428	13,131	97,111	192,565
Exceptional item (Public Service Agreement)	19,500	0	0	0	0	19,500
Research	0	0	0	88,394	0	88,394
Utilities, Operations & Maintenance	21,730	0	57,500	12,219	98,181	189,630
Audit & Accountant Fees	36,681	0	0	0	0	36,681
Assessors	0	0	34,732	0	0	34,732
Consultancy	3,000	0	3,008	3,000	31,248	40,256
Printing, Training Refurbishment etc.	34,082	300	35,201	11,458	42,313	123,354
Total	382,283	109,200	1,559,156	515,183	2,562,172	5,127,994
% of Total (rounded figures)	7%	2%	30%	10%	50%	100%



Conciliation Services Division

“To provide an impartial, timely and effective conciliation service operating to a continually high standard in both the public and private sector”

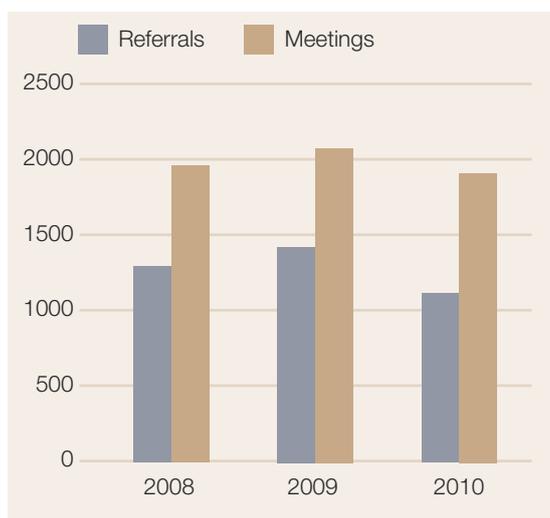
The focus of the Division in 2010 was to ensure a continued timely delivery of a flexible, responsive service designed to meet the needs of parties in dispute or with issues to resolve in Irish workplaces. The primary value and function of the service is that it is available to provide a high quality resource at the appropriate moment in any given dispute situation. The delivery of that high quality service is the challenge met in 2010 by the Division’s team of 13 conciliators and 6 support staff.

Activity Summary 2010

Category	Total to end of December 2010	Total to end of December 2009
Conciliation		
Referrals	1,193	1,571
Conferences	1,783	1,923
Other meetings (facilitation, CIDT, JLCs, mediation, etc)	142	166
Total number of meetings	1,925	2,089
Labour Court Referrals	217	279
Mediation		
Referrals	38	40
Meetings (includes Advisory Staff)	105	149



Conciliation Services Activity 2008 - 2010



The Conciliation Service referred 220 disputes to the Labour Court in 2010 and achieved a settlement rate at conciliation in the year of 82% of all disputes referred to it, which is consistent with the rate achieved in 2009 and in previous years.

It is worth noting the considerable involvement and activity delivered by the service in conciliating and facilitating engagement and ultimate agreement on the terms of the Public Service Agreement (PSA) 2010-2014 (see below). In addition, important contributions were made to the resolution of a very wide range of significant disputes in all sectors of the economy, with examples including substantive reviews of Pension Schemes in the manufacturing and Financial Services sectors, the Aer Lingus Greenfield agreement, restructuring of enterprises in all sectors of the economy with particularly significant involvements in the Pharma –Chem sector.

A significant feature of activity in the Division in 2010 was a decline in referral rate to Conciliation of 24.5% over 2009. This was accompanied by a decline in the number of conciliation conferences over the same period of 7%. The reality is that although referral rates declined the nature of the Division's work in 2010 was such that the disputes dealt with involved a very high degree of complexity and a high rate of Conciliation input per referral.

The Service continued to process cases referred under the various provisions of the T2016 and Transitional Agreements including the operation of the 'assessor' mechanism as set out in the agreement. During 2010 a total of 9 cases arising under the T2016 Transitional Agreement required the appointment of an assessor by the Commission. Total expenditure on assessors during the year amounted to €37,812.

Construction Industry Disputes Tribunal

The Construction Industry, by its nature, has particular needs in terms of ensuring that dispute resolution mechanisms are appropriate and relevant to the dynamics of work in the sector. The parties to the industry's Registered Employment Agreement have developed a Construction Industry Disputes Tribunal in response to the needs of the sector. The Tribunal is chaired by officers of the Conciliation Services Division. The administration of the Construction Industry Disputes Tribunal is also delivered by the Service. During 2010 a total of 23 cases were referred to the Tribunal of which 17 cases were assigned for a full Tribunal hearing. One case was withdrawn from the process. In the remainder of cases no agreement has been found between the parties to attend a hearing of the tribunal.



The Workplace Mediation Service

The Division, through a cross-divisional team (Conciliation and Advisory Services) of mediators, received 38 mediation referrals in 2010. The team convened 105 mediation meetings during this period. The level of referral to the Service in 2010 was consistent with the level in 2009. Significantly the number of meetings resulting from those referrals fell from 149 in 2009 to 105 in 2010.

Public Service Agreement 2010-2014

Against a background of rapid change in the economic and fiscal environment marked by a potential level of industrial unrest following the collapse of the Government/ICTU negotiations, at the commencement of 2010 the CEO of the Commission initiated a process of consultation with all parties in the Public Sector in order to assess the potential for the Commission to assist in facilitating an engagement designed to allow all parties to address together the challenges facing the sector.

Ultimately that exploratory dialogue produced a situation whereby, at the request of the parties, the Commission facilitated a series of discussions and negotiations covering the entirety of the Public Sector with the aim of finding agreement on all of the key issues facing them. This set of engagements was certainly the most challenging in process management terms in the history of Irish industrial relations, involving as it did multiple detailed chaired parallel negotiations involving multiple sets of negotiators on both sides allied to a concurrent central set of chaired negotiations. The challenge of managing this process while at the same time contributing to its success through the delivery of effective conciliation was met by a team drawn from the Conciliation Service. The

process, which extended over a period of weeks, culminated in an intensive engagement in Croke Park which resulted in eventual agreement and ratification of the terms of the Public Service Agreement 2010 – 2014.

The agreement provides for a programme of modernisation and change in the Public Service, and a structure for how public service pay will be determined over the period to 2014. It is an agreement between Public Service management and unions, and will require both to work together to deliver on its potential. It covers a range of important transformation issues across all of the main sectors of the Public Service including Health, Education, Local Government, Justice, Defence, the Civil Service and State Agencies.

Under the Agreement, Public Service management and unions have given a range of commitments in relation to issues such as pay, redeployment, changes to work practices etc and a commitment to job security. The Commission subsequently facilitated discussion between the Department of Finance and the Public Services Committee of ICTU which resulted in the Department proceeding to develop proposed legislation for the introduction of a new single pension scheme for new Public Servants.



Advisory Services Division

Service Overview

The Advisory Service is focussed with working with employers, employees and trade unions to develop positive industrial relations practices, structures and procedures. Its primary objective is to help build and maintain positive working relationships and effective prevention and dispute resolution mechanisms in the workplace. The Service can advise and assist on any aspect of industrial relations in Irish workplaces. The Service operates from the premise that all disputes, be they collective or individual, are best resolved within the workplace, and the assistance it offers is very much focussed around enhancing the capacity of organisations and their employees to manage their industrial relations “in house” and effectively.

Services Delivery

While assistance is customised to the particular needs of each workplace, the type of assistance offered can be categorised as follows:

Training

The delivery of training on a variety of aspects of the employment relationship is the key element of the Service’s remit to enhance industrial relations capacity building in Irish workplaces by delivering proactive dispute preventative programmes. The Service has developed and delivered a variety of programmes around workplace procedures – Grievance, Disciplinary and Dignity, Communications and Consultation, the Negotiation Processes and supporting organisations undergoing change. During the period a comprehensive training programme on Grievance Procedures was delivered to the IVEA countrywide involving some 30 participant Bodies.

The focus of the training programmes provided by the Commission, which is delivered on site by our team of experienced practitioners and customised to requirements – is to enhance the capability of workplaces, employees and their representatives, to develop and operate effective industrial relations

processes and procedures.

Industrial Relations Reviews

Reviews of industrial relations involve an in-depth assessment of industrial relations in workplaces with a view to identifying problem areas, making recommendations around improved practices and procedures, and working with all concerned to implement improvements. A typical review could involve a number of information gathering processes including individual interviews/questionnaires, email surveys and focus groups. The key object in a typical review is to accurately identify problem areas and to work with all concerned to develop effective remedies.

Joint Working Parties

A Joint Working Party is a joint management/employee process facilitated by the Service to implement recommendations made arising from a review of industrial relations. The process is designed to give all concerned direct involvement in developing mutually acceptable solutions to their difficulties.

Facilitation

The Service provides a facilitation service focussed around a variety of workplace issues including the



implementation of work practice change and the development of improved workplace procedures. The focus of the facilitation service is to assist the parties to reach mutually acceptable solutions.

Voluntary Dispute Resolution

The Service facilitates the procedure prescribed in the Code of Practice on Voluntary Dispute Resolution (SI 76 of 2004) which provides a framework for the processing of disputes arising in situations where collective bargaining is not in place.

Workplace Mediation

Workplace mediation is delivered by a joint Advisory and Conciliation Service team. Overview and details are outlined under Conciliation Service activity.

Details of 2010 activity levels are given below.

Research

The Service is responsible for the Commission's remit to conduct research into matters relevant to industrial relations and to review and monitor relevant developments in industrial relations generally. In this regard a number of projects were commissioned and undertaken during 2010:

Human Resources in a Recession

This project is focussed around the experiences of organisations in managing their businesses in the current recession and identifying human resource management/industrial relations themes in that regard. The project was undertaken by an academic research team reporting to a Commission facilitated Steering Group. The Research Report – **Human Resources in the Recession: Managing and Representing People in Work in Ireland** - was formally presented at a Commission hosted Symposium held on 23 February

2011. The Executive Summary is available at www.lrc.ie under LRC Symposium 2011, and the full report can be purchased from the Government Publications Sales Office.

Conflict Management Systems

A research project around conflict management systems in subsidiaries of non- union multinational organisations in Ireland was commissioned and completed during 2010. It was formally presented at the Commission hosted Symposium held on 23 February 2011. The research paper is available at www.lrc.ie under LRC Symposium 2011.

Publication to mark the 20th Anniversary of the LRC

This project is currently underway and will be completed by mid 2011, under the editorship of Brian Sheehan.

History of the Rights Commissioner Service

A History of the Rights Commissioner Service 1970-2010 has been completed by Maurice Cashell, former Chairman of the Labour Relations Commission. The publication will be launched shortly.

2010 Activity Breakdown/Resources

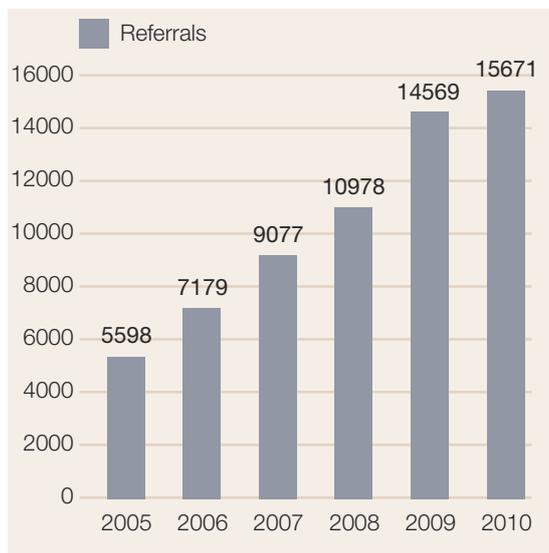
Project Type	Project Number
SI 76	7
Facilitation	33
IR Reviews	6
Joint Working Parties	4
Training	16

Note: the project number figure relates to the actual projects and not to the number of meetings.

Rights Commissioner Service

Workload

The highest level, ever, of submission of complaints to the Rights Commissioner Service occurred in 2010 with the Service recording 15,761 Referrals for Hearing. This total represents a further increase of 8% over 2009; a year that had seen a 33% increase in Referral rate over 2008. While the demand for service has been increasing the administration of the service has also had to adjust to an environment where the resources to deal with the extraordinary volume of work has been diminishing.



The conditions prevailing have led to increased durations from the time of Referral to the issuing of Decisions by Commissioners. The Commission is conscious of these delays and continues to explore its limited options to improve the situation. While some administrative efforts are being made to address these delays the Commission has also participated in a major

project, sponsored by the Department of Enterprise, Trade and Innovation, that has undertaken a granular examination of IT Systems in the Rights Commissioner Service and its Administrative Procedures with a view to streamlining the entire process. That exercise is almost finalised.

Adjournments

In its efforts to eliminate delays in the process the Commission identified the volume of Adjournments being handled as an area for remedial action. At the end of 2009 the Service had processed 2,140 adjournments. The net effect of an adjournment is that the entirety of work that has gone into putting arrangements in place for a Hearing is lost to the system. The establishment of a fresh set of arrangements requires a repetition and duplication of the various tasks that must be completed for the purposes of satisfying formality should this arise subsequently as a point of procedural argument at the 'new' Hearing. A new policy was put into effect whereby all requests for adjournment were forensically scrutinised together with a demand for supporting evidence being implemented which brought about a reduction in requests and a change in clients' approach to this aspect of the Service. At the end of 2010, despite further growth in the number of Referrals coming into the Service, the total number of Adjournments processed fell to 1,682. Allied to this reduction in overall numbers a particularly telling figure is the number of Adjournments refused which amounted to 711 in 2010 as against 293 in 2009.

Administration

The Head of the Rights Commissioner Service is a Principal Officer who also has responsibility for all Corporate Services in the Commission, including Governance and Financial Matters. He also has



responsibilities as Secretary to the Commission Board and Secretary to the Internal Audit Committee. In light of the extraordinary volume of work the complement of Rights Commissioners has been maintained at its recent operational level of 15 people. While the normal term of office (Commissioners operate under Warrant) of Commissioners is 3 years the 15 include one person who is appointed on a 1-year arrangement.

Commissioners are appointed by the Minister, in accordance with the provisions of the Industrial Relations Act, 1990. Appointments are made, under that legislation, from a panel of persons submitted to the Minister by the Commission. **Potential Commissioners are required to demonstrate competence and experience in the area of human resources management and /or industrial relations. Other competencies include:**

- Good communication and interpersonal skills
- Conciliation/negotiation skills
- Interviewing and information seeking skills are essential. Rights Commissioner Hearings are non-adversarial, and cross-examination of the parties on their evidence is not permitted. It is therefore, incumbent on the Rights Commissioner to conduct the Hearings in such a way as to obtain all the necessary information to enable him/her to arrive at a decision on the complaint(s) before him/her
- Awareness and understanding of national industrial relations developments
- Familiarity and current knowledge of employment rights and industrial relations legislation, and employment rights enforcement, generally
- Commissioners are expected to keep abreast of European Employment Law
- Ability to analyse and evaluate the complex issues

that may be raised by parties

- Ability to draft appropriate Decisions and Recommendations in a clear, concise and immediately understandable language
- Decisions and Recommendations must, where appropriate, have regard to legislation, determinations of the Labour Court, the Employment Appeals Tribunal and other similar Bodies and to judgements of the Irish and European Courts
- Awareness and sensitivity to diversity and cultural issues in the workplace
- Experience of handling sensitive and difficult situations is essential
- Time management skills are vital due to the large workload that Commissioners are expected to handle and having regard to agreed deadlines and the expectations of Clients
- Effective IT skills are also required.

Costs of Rights Commissioner Hearing

The typical costs for administering a referral that results in a hearing taking place and a recommendation/ decision are as follows.

Area	Estimated cost
Rights Commissioner fees	€254.03
Rights Commissioner T&S	€39.56
Staff costs	€63.55
Postage	€12.70
Communications	€0.16
Venue hire	€35.54
Total	€405.54

(Source: Bearing Point; Business Process Review 2010)



Corporate Services Division

The post of Director of Corporate Services is a shared position that incorporates Secretary to the Board and also Head of the Rights Commissioner Service.

Board Meetings

There were 10 statutory meetings of the Board in 2010. The Board also met with Minister Calleary in July. The Commission, represented by the Chairperson, Breege O'Donoghue, the Chief Executive, Kieran Mulvey, the Secretary to the Board Eddie Nolan and Board member John Hennessy, met with the Oireachtas Joint Committee on Enterprise, Trade and Innovation on November 9th, 2010.

Code of Practice for the Governance and Conduct of the LRC

The Board applies procedures in accordance with the Code of Practice for the Governance of State Bodies. In addition, the Board and Commission have acted in accordance with the terms of the Organisation's own 'Code of Practice for the Governance and Conduct of the LRC'.

Audit Committee

The role of the Audit Committee, as part of the ongoing systematic review of the control environment and governance procedures within the Commission, is to report to and advise the Accounting Officer and the Board on internal control matters. The Internal Audit function is outsourced to an independent practitioner and her proposed Audit plans are considered and approved by the Committee as required and in the context of a structured programme of activity that ensures every relevant aspect of Commission activity is examined over a predefined timescale. In its consideration of Audit plans the Committee is always

mindful of developments such as updated Guidelines on Corporate Governance best practice and the related increasing range and detail of compliance obligations on both the Organisation and individual Management Personnel as new legislation, regulation and codes of practice are enacted.

The Audit Committee met on five occasions in 2010 – February, May, July, November and December. Over the course of those meetings the Committee considered reports covering; Business Risk Management Process, Financial Reporting Process, Treasury Process, Payroll Process, Travel and Subsistence Process and Revenue Process. While the normal routine activities encompassed by these various categories of work will have been carried out over the year elements that were of particular focus included

- (a) provisions around Protected Disclosure – whistleblower,
- (b) progress on the implementation of an integrated Financial Management System and
- (c) Risk Management and related matters.

These will be finalised in 2011.

On foot of relevant reports from the Auditor the Committee concluded that there is an effective system of internal controls in operation in the Commission.

Ethics in Public Office

All Board members, Rights Commissioners and relevant Officers of the Commission completed the appropriate returns under the Ethics in Public Office Acts, as required.



Commission's Annual Accounts 2009

The Comptroller and Auditor General contracted LHM Casey McGrath and Co. to undertake the audit of the LRC accounts for 2009. The letter of representation and the financial statements for the year ended December 31st, 2009 were approved by the Audit Committee and the Board and the final accounts for 2009 are included herein.

Staff of the Commission

The Commission wishes to acknowledge the dedication and professionalism of all staff in their commitment to their work in the service of the Commission. Regarding those colleagues who have retired or moved on from the Commission in 2010, either for career development purposes or following success in promotion competitions, the Commission acknowledges their fine contribution also, which is exemplified in their career progression and wishes each one well in the future.

PMDS

Role Profiles and Interim Reviews were completed in a timely fashion for all staff members of the Commission. The provision of upward feedback is encouraged as a feature of the process. Training plans were established and followed through over the course of the year.



Significant Developments in 2010

Dispute Resolution – Public Services

The Commission with the support of both Public Service Management and Public Sector Unions chaired negotiations which led to the successful conclusion of the (Department of Finance) “**Public Service Agreement 2010-2014**”. The Commission continues its involvement in supportive conciliation/arbitration functions in relation to the employment groups and public sector statutory bodies covered by the Agreement. The Commission also maintains regular contact with the “Implementation Body” charged with overseeing the delivery of the agreement and with key management/unions in the respective sectors of health, education, security, local authorities, state agencies and with the civil service. The Commission chaired the negotiations which led to agreement on the new public service pension arrangements for future entrants. Ireland is not alone in such developments as significant changes are taking place in other European countries including the UK, Greece, Spain, France and Portugal in response to financial pressures on public service expenditure arising from the economic/banking crisis.

Private Sector – High Settlement Rates

The Conciliation Service continues to provide dispute resolution services to a significant number of private and public sector enterprises in sectors relating to aviation, transport, energy, retail, financial and banking, construction, pharma-chem, auto components, I.T. and general manufacturing facilities including the agri-food. The provision of these services in 2010, reflected the general downturn in the economy with most interventions relating to cost/pay issues, work practice reforms, restructuring/redundancy and pensions. Major interventions included Aer Lingus – “Greenfield Plan” and the DAA (Terminal 2 employment arrangements) the Pharma-chem and the banking, financial and insurance services sector. **Settlement levels remain above the 80% figure.**

Industrial Peace

Despite the grim fiscal situation, Ireland remains relatively free of industrial disputes in comparison to other European countries, a number of which have had significant industrial/national protest strikes. **Days lost in 2010 were 6,600, similar to 2007 levels. There**

were 14 disputes in 2010, compared to 23 in 2009 (266,000 days lost).

The international investment value of this level of industrial peace should not be underestimated in terms of FDI, tourism and other service industries. Real “value for money” interventions by the Commission at pre or early stage dispute resolution has been of significant and continuing value to the country over the last 20 years.

Employment Rights/Investigations

A developing aspect of the employment rights agenda is the continuing and unparalleled increase, due to the recession, of referrals to the employment rights bodies. In particular, these relate primarily to the Rights Commissioner Service of the LRC and the Employment Appeals Tribunal. The Commission received almost 16,000 referrals in 2010 compared to 14,500 in 2009 and 7,000 five years ago. The Commission currently has jurisdiction for 33 enactments of employment legislation.

Measures are being taken to address the resultant backlogs arising from individual and multiple claims to the Rights Commissioner Service. The Department of Enterprise, Jobs and Innovation has undertaken an independent review of the administrative and I.T. measures which could assist in addressing these issues for the Commission and other statutory dispute resolution bodies. In addition the Commission/Department have undertaken a specialist legal review to address current employment law anomalies in the existing corpus of employment rights legislation.

Some rationalisation of the process and backlogs is of urgent necessity to prevent overlaps and employment law investigative procedures if we are to have a “current time” employment rights investigation and decision-making functioning system. The Commission is involved actively in seeking solutions to these issues and has submitted various proposals on these matters to the Minister and the Department in order to rationalise the current system. Parties and respondents to multiple claim cases are being requested to facilitate fast track options proposed by the Commission.



Advisory Services

Best Practice use of Human Resources

In pursuing its best practice agenda the Advisory Service in conjunction with IBEC, ICTU, CIPD and the Universities of UCD and QUB have undertaken the **first major national survey on views relating to the managing and representation of human resources in a recession**. The findings of this survey and case studies were presented to a national symposium in the Croke Park Conference Centre in February 2011.

The Advisory Service will utilise this applied research in major enterprises to deliver “good quality/best practice models” in both private and public enterprises.

Reviews and Training

The Service continues to provide individual enterprise reviews, workplace mediation (with the Conciliation Service) and advice on and the preparation of Codes of Practice on key issues in workplace management and employee relations and key employment procedures.

Of particular significance this year was the provision by the Service of a **Sectoral Training Initiative** for the Irish Vocational Education sector involving over 300 management and union representatives.

Legal Research

The Advisory Service in association with the Department of Enterprise, Trade and Innovation undertook a **“Review of Employment Rights Legislation”** with a view towards identifying current anomalies in the various pieces of employment legislation and suggesting specific amendments. This research was undertaken by Tony Kerr (UCD Law Lecturer), a practitioner in employment law and Editor of “Irish Employment Legislation”. Mr Kerr’s Report was completed in April 2010.

The review sought to identify unnecessary duplication and/or conflicting provisions within the existing

legislation . It proposes changes so as to simplify current procedures for the investigation and adjudication of employment rights disputes and it also proposes a more rational mechanism whereby the current roles of the various bodies would be adapted so as to provide a coherent and cohesive client orientated service.

A Working Group, with representatives of all Employment Rights and Industrial Relations bodies (ERIR) and the Department of Enterprise, Trade and Innovation, has been meeting since June 2010, to identify the practical measures that can be taken to streamline the channels in which disputes of rights and interests can be pursued. As part of its remit, the ERIR Working Group has been reviewing the Kerr Report with regard to appropriate changes to the current legislative framework and the way it is administered.

Legal Developments

The Commission is of the view that with the accumulation of employment law statutes, both in Ireland and the European Union over the last twenty years, it is timely for a consolidation of employment law to be undertaken at this juncture.

This would appear necessary also because of the increased level of interpretative adjudication being made at various levels of the adjudication and legal process both in domestic civil courts and the European Courts. Many employers, trade unions and legal practitioners would welcome this development in order to bring a degree of clarity to an increasingly complex and legally fraught employment relationship in the workplace.

This should be aligned also with a move towards the rationalisation/synergy of investigative and adjudication processes and institutions which have emerged in response to the expansion of employment law.



The Service also sponsored a survey of **Dispute Resolution mechanisms in non-union multinationals operating in the Irish Economy.**

Major findings include:

The Labour Relations Commission Symposium 2011

Conflict Management Systems in Subsidiaries of Non-Union Multinational Organisations located in the Republic of Ireland

*Liam Doherty
Prof Paul Teague
The Queens University Belfast*

Conflict management systems in subsidiaries of non-union MNC's

- Overall purpose of the research
- The significance of MNCs in an Irish context
- Survey of conflict management practices used by 83 foreign-owned non-union multinationals
- Interviews with HR managers working in leading non-union subsidiaries
- Main conclusions from the research

Conflict Management Techniques and Procedures in non-Union Multinationals

	Internal	External	Both	No.
Facilitation	26	2	7	46
Mediation	22	3	7	49
Arbitration	6	7	2	66
Employee hotline	15	5	1	60
Open door policy	79	0	0	4
Progressive management review	53	n/a	n/a	28
Peer review	13	n/a	n/a	68
Ombudsperson	4	1	0	76
Other	1	3	0	77

MNC's in the Republic of Ireland

- Ireland is home to some of the world's leading MNC's
 - 8 of top 10 Pharma companies
 - 15 of the top 25 in medical devices
 - > 50% of leading Financial Services
 - 8 of the top 10 ICT companies
- Level of FDI relative to the size of the economy is one of the highest in the world.

- Approximately 960 IDA sponsored companies employing 138,000 employees
- Two thirds of the manufacturing labour force is employed in multinationals
- Account for more than 70 per cent of exports from the country
- Approx 50% of MNC's are USA in origin.
- Total US investment into Ireland is greater than their total investment into Brazil, Russia, India and China combined

Sources IDA Ireland/IBEC /Lane & Ruane

How HR managers viewed the relative importance of problem solving/dispute resolution systems

- 8/10 rank the problem solving/dispute resolution system as "not important" within their HR strategy
- 8/10 rank the rate the relative importance of the problem solving/dispute resolution system below all other key HR processes
- There are no HR processes that they would consider to be less important than the problem solving/dispute resolution system
- MNC's do not have monitoring systems in place to review the effectiveness of problem solving/dispute resolution mechanisms

Overall Conclusion

- Subsidiaries of non-union multinationals based in Ireland do not use innovative workplace conflict management practices
- ADR has not crossed the Atlantic
- HR managers are concerned that conflict management practices may act as a contagion (on efforts to build employee loyalty and commitment)
- There is no 'business case' for innovative workplace conflict management practices.
- The issue of 'subsidiary mandates' has an important influence



Overarching Macro Economic/Political Policy

Both the Budget for 2011 the EU/IMF/ Government Four Year Plan (2010-2014) and the Programme of the Government for National Recovery (2011-2014) have now been agreed and published.

From the perspective of the Industrial Relations agenda a number of salient decisions arise from the above and will now take centre stage for progression and implementation 2011.

Major Policy Decisions

- The Public Service Agreement (2010-2014) remains intact but is now subject to external review in Q3 – 2011. If overall savings in the public service pay bill/ savings are not achieved then the Government must consider appropriate adjustments. Tight supervision of expenditure in all Government Departments and Agencies, with continued reduction in public service numbers in 2011-2014 through Employment Control Frameworks (ECF), will be a feature of the continuing economic and budgetary decisions.
- An independent Review by the Chairman of the Labour Court and an Independent Economic Expert, of the Framework of JLC's and the REA/ ERO wage settling mechanisms, is to be completed by mid-May 2011 and any appropriate follow up actions will be agreed subsequently with the European Commission under the terms of the IMF/EU Agreement.
- The minimum wage having been reduced by €1 for new entrants to the Labour Market from 1st February 2011 it is now intended to restore it to its previous level.
- A new Public Service pension scheme for new entrants has been agreed with the relevant public sector unions.
- 2011 will see continuing reduction in public service pensions (an average of 4% but with a sliding scale of 6/9/10% depending on pension level entitlements) through the implementation of the Financial Emergency Measures Act (2010).
- Reduction in private pension tax reliefs were introduced in the most recent Finance Act.
- New taxation measures and the introduction of the Universal Social Charge will reduce net take home pay for all employees, the self employed and pensioners with new thresholds on "pension pot" exemption levels.
- New Public Service pay scales have been introduced with a reduction of 10% in existing pay scales for all new entrants at entry level grades.
- Extension of the salary/pension guarantee in the public sector will continue until end February 2012. This may lead to a significant exit of experienced senior personnel in the public service in 2011 and early 2012 due to the new cut-off limits for final salary/pension entitlements with the resultant loss of significant "corporate memory" capacity.
- Reduced public/agency expenditure budgets will impact also upon "dependent" services in "civil society" and their representative organisations arising from public sector pay/employment level limits.
- Reduced staffing numbers in the Commission itself.
- There are potential implications for the smooth implementation of the Public Service Agreement in particular sectors arising from existing or potential future voluntary redundancy/ early retirement schemes and the inevitable redeployment requirements arising from public sector/state agency rationalisation.
- Continual enterprise closures in the SME sector



leading to further unemployment, loss of school leaver opportunities and a rise in the emigration rates of skilled employees and graduates.

- In the private sector the implications of any downward review of ERA's/ERO's pay and conditions bring serious tests in the area of industrial peace and to previously agreed and statutory wage/conditions settling mechanisms, include high referral levels to the dispute resolution facilities/services of the Commission.
- Overarching threat to the FDI sector by continuing reference in Europe to Ireland's corporation tax rate in comparison to other E.U. countries. This threat may emerge in the US also with more robust political debate on the "export of American jobs", transfer pricing and corporate tax breaks to oversee American based enterprises.
- The specific focus by the European Commission/ECB on the "re-organisation of the Financial/Banking Sector" – this will involve a comprehensive re-organisation and downsizing of the financial and banking sector in Ireland leading to significant voluntary/compulsory redundancies in this matter.
- A combination of these measures will have particular implications for the work of the Commission and the Labour Court in regard to large categories of workers and in particular for both the Conciliation and Rights Commissioner Service.

Programme of Government for National Recovery

The Programme of the new Government for National Recovery 2011-2016 negotiated between Fine Gael and the Labour Party and concluded on March 2011 will bring additional challenges involving the Commission Services;

These include:

- Prioritising and creating momentum around the reform agenda in the public service.

In this regard;

- The Conciliation Service will be central to ensure dispute prevention and resolution in dealing with local, sectoral and organisational change.
- The Advisory Service has built expertise around organisational change, training and the use of external experts and the joint sectoral and working party approaches.

Reform of the Structure of JLC's:

- LRC officers, current and past are an invaluable resource in chairing these committees through their expertise and knowledge of key industries and sectors.
- These officers provided also essential knowledge in the Arbitration and Mediation dispute resolution functions.

Reporting to the Oireachtas

- The Commission is committed to reporting fully on its services and activities as evidenced by its previous attendances at Oireachtas Committees.
- The Commission Board and Officers have valued these opportunities to debate, inform and receive the views and concerns of members of the Oireachtas on key enterprise, business, legislative and public service issues.

Value for Money

- The Commission believes in providing real value for money and a "fit for purpose" state agency. It operates a lean organisation with highly flexible services. Its Conciliation service operates on a 7 day/24 hours basis as required.
- The track record of the Commission in dispute resolution is well acknowledged in both the Private and Public sectors where its dispute prevention and avoidance activities saves tens of millions to the economy every year.

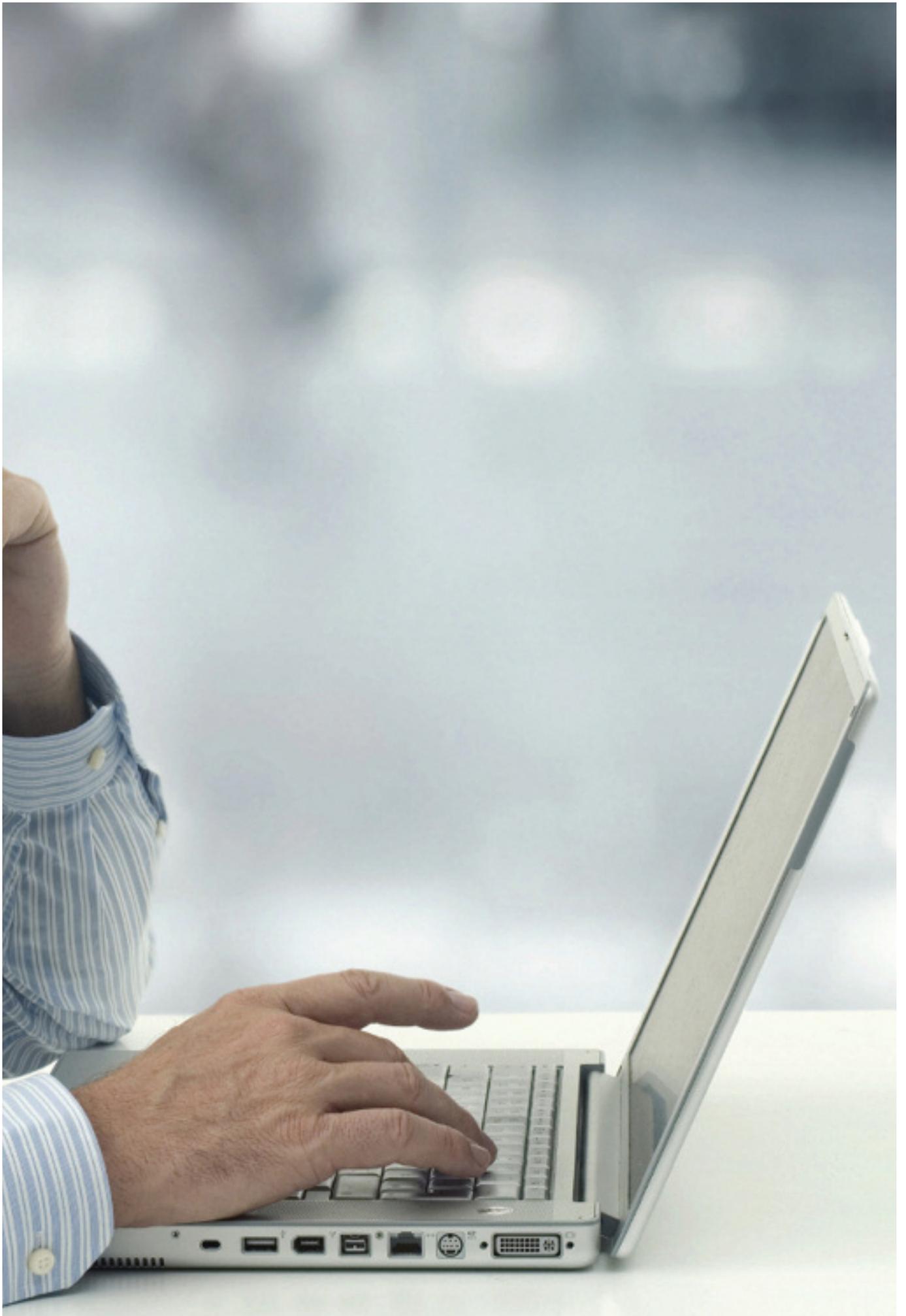
- The Rights Commissioner service provides a highly cost efficient nationally and regional based service in the area of investigation of alleged breaches of employment rights. Synergies are necessary in employment rights dispute resolution bodies in order to streamline the investigation services for workplace disputes.
- The Commission continues to provide "Best Practice" advice to employers, unions and employees in training courses, codes of practice and the promulgation of applied research and the lessons to be adapted from such findings and enterprise experience.

Collective Bargaining

- The Commission has had considerable experience (almost 400 cases) in the operation of the legislation on collective bargaining under the Industrial Relations Act 2001 and the 2004 (Amendment) Act.
- The commitment to legislate again in this area will assist in eliminating some anomalies and take cognisance of current European Court judgements. The Commission could act as an independent third party in researching, clarifying European and North American practice in this area with the assistance of the ILO, the European Foundation and our contacts with other statutory dispute resolution bodies in other jurisdictions.
- The Commission believes also that the relevant Codes of Practice pertaining to this area including Essential Services should be revisited.

Arbitration/Mediation

- The Commission has advocated for some time the value of voluntary Arbitration procedures in dispute resolution. These views have now been enshrined in the "Croke Park Agreement". Some private sector enterprises have adopted this concept including operations in the aviation, financial services and public enterprise sectors.
- The Commission are of the view that there remains some possibilities in ensuring pre-mediation requirements on individual disputes within enterprises/public service organisations prior to formal third party referral. A strengthening of prior conciliation at local bargaining level is necessary also.



Financial Statements 2009

For the Year Ended 31st December 2009

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Statement of Responsibilities of the Commission

For the Year Ended 31st December 2009

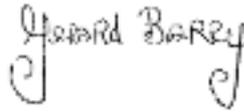
Section 31(1) of the Industrial Relations Act 1990 requires the Commission to prepare Financial Statements in such form as may be approved by the Minister for Enterprise, Trade and Innovation after consultation with the Minister for Finance. In preparing those statements, the Commission is required to:

- select suitable accounting policies and apply them consistently
- make judgements and estimates that are reasonable and prudent
- prepare the Financial Statements on the going concern basis unless it is inappropriate to presume that the Commission will continue in operation
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.

The Commission is responsible for keeping proper books of account which disclose with reasonable accuracy at any time the financial position of the Commission and which enable it to ensure that the Financial Statements comply with Section 31(1) of the Act. The Commission is also responsible for safeguarding the assets of the Labour Relations Commission and for taking reasonable steps for the prevention and detection of fraud and other irregularities.



Chairperson
Date: December 7th. 2010



Commission Member
Date: December 7th. 2010

Statement on the System of Internal Financial Control

For the Year Ended 31st December 2009

Responsibility for the System of Internal Financial Control

As Chairman, I acknowledge the responsibility of the Labour Relations Commission for ensuring that an effective system of internal financial control is maintained and operated.

The system can only provide reasonable and not absolute assurance that assets are safeguarded, transactions authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely period.

Key Control Procedures

The Commission has taken steps to ensure an appropriate control environment is in place by:

- Clearly defining management responsibilities and powers
- Establishing formal procedures for monitoring the activities and safeguarding the assets of the Commission
- Developing a culture of accountability across all levels of the Commission

The Commission has established procedures to identify and evaluate business risks by:

- Identifying the nature, extent and financial implication of risks facing the Commission including the extent and categories which it regards as acceptable
- Assessing the likelihood of identified risks occurring - a risk register is in place
- Assessing the Commission's ability to manage and mitigate the risks that do occur
- Assessing the costs of operating particular controls relative to the benefit obtained

The system of internal financial control is based on a framework of regular management information, administrative procedures including segregation of duties, and a system of delegation and accountability. In particular, it includes:

- A comprehensive budgeting system with a monthly budget which is reviewed and agreed by the Commission
- Regular reviews by the Commission of periodic and annual financial reports which indicate financial performance against forecasts
- Setting targets to measure financial and other performance
- Clearly defined purchasing and approval guidelines
- Formal project management disciplines.

The Commission employed a consultant, on a contract basis, as internal auditor to conduct a review of the effectiveness of the system of internal controls.

The Commission's monitoring and review of the effectiveness of the system of internal financial control is informed by the work of the Internal Auditor, the Audit Committee, the executive managers within the Commission who have responsibility for the development and maintenance of the financial control framework, and comments made by the Comptroller and Auditor General in his management letter or other reports.

Annual Review of Controls

I confirm that for the year ended 31st. December 2009 the Commission conducted a review of the effectiveness of the system of internal financial controls.

Signed on behalf of the Labour Relations Commission



Breege O'Donoghue
Chairperson

Date: December 7th. 2010

Report of the Comptroller and Auditor General

For the Year Ended 31st December 2009

Report of the Comptroller and Auditor General for presentation to the Houses of the Oireachtas

I have audited the financial statements of the Labour Relations Commission for the year ended 31 December 2009 under the Industrial Relations Act 1990.

The financial statements, which have been prepared under the accounting policies set out therein, comprise the Statement of Accounting Policies, the Income and Expenditure Account, the Statement of Total Recognised Gains and Losses, the Balance Sheet and the related notes.

Respective Responsibilities of the Commission and the Comptroller and Auditor General

The Commission is responsible for preparing the financial statements in accordance with the Industrial Relations Act 1990, and for ensuring the regularity of transactions. The Commission prepares the financial statements in accordance with Generally Accepted Accounting Practice in Ireland. The accounting responsibilities of the Members of the Commission are set out in the Statement of Responsibilities of the Commission.

My responsibility is to audit the financial statements in accordance with relevant legal and regulatory requirements and International Standards on Auditing (UK and Ireland).

I report my opinion as to whether the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland. I also report whether in my opinion proper books of account have been kept. In addition, I state whether the financial statements are in agreement with the books of account.

I report any material instance where moneys have not been applied for the purposes intended or where the transactions do not conform to the authorities governing them.

I also report if I have not obtained all the information and explanations necessary for the purposes of my audit.

I review whether the Statement on the System of Internal Financial Control reflects the Commission's compliance with the Code of Practice for the Governance of State Bodies and report any material instance where it does not do so, or if the statement is misleading or inconsistent with other information of which I am aware from my audit of the financial statements. I am not required to consider whether the Statement on the System of Internal Financial Control covers all financial risks and controls, or to form an opinion on the effectiveness of the risk and control procedures.

Basis of Audit Opinion

In the exercise of my function as Comptroller and Auditor General, I conducted my audit of the financial statements in accordance with International Standards on Auditing (UK and Ireland) issued by the Auditing Practices Board and by reference to the special considerations which attach to State bodies in relation to their management and operation. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures and regularity of the financial transactions included in the financial statements. It also includes an assessment of the significant estimates and judgements made in the preparation of the financial statements, and of whether the accounting policies are appropriate to the Commission's circumstances, consistently applied and adequately disclosed.

Report of the Comptroller and Auditor General (continued)

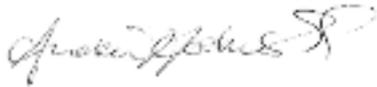
For the Year Ended 31st December 2009

I planned and performed my audit so as to obtain all the information and explanations that I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material misstatement, whether caused by fraud or other irregularity or error. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements.

Opinion

In my opinion, the financial statements give a true and fair view, in accordance with Generally Accepted Accounting Practice in Ireland, of the state of the Commission's affairs at 31 December 2009 and of its income and expenditure for the year then ended.

In my opinion, proper books of account have been kept by the Commission. The financial statements are in agreement with the books of account.



Andrew Harkness

For and on behalf of the
Comptroller and Auditor General
21 December 2010.

Statement of Accounting Policies

For the Year Ended 31st December 2009

1 Basis of Accounting

These financial statements have been prepared under the accruals method of accounting, except as stated below, and in accordance with generally accepted accounting principles under the historical cost convention. Financial Reporting Standards recommended by the recognised accountancy bodies are adopted, as they become operative. The unit of currency in which the Financial Statements are denominated is Euro.

2 Oireachtas Grants

Income is accounted for on the basis of:

- Cash receipts from the Department of Enterprise, Trade and Innovation;
- Payments made by the Department of Enterprise, Trade and Innovation on behalf of the Commission.

3 Fixed Assets and Depreciation

The Labour Relations Commission adopts a minimum capitalisation threshold of €1,000. Fixed assets are stated at their cost less accumulated depreciation. Depreciation is charged at rates calculated to write off the cost of each asset over its expected useful life on a straight-line basis as follows:

Furniture, Fixtures and Fittings	10% Per Annum
Equipment	20% Per Annum

4 Capital Account

The capital account represents the unamortised amount of income used to purchase fixed assets and the value of assets transferred to the Commission.

5 Pensions

The Commission operates a non-contributory defined benefit pension scheme for one Officer which is funded annually on a pay-as-you-go basis from monies provided by the Department of Enterprise, Trade and Innovation. Pension Scheme liabilities are measured on an actuarial basis using the projected unit method. Pension costs reflect pension benefits earned in the period. An amount corresponding to the pension charge is recognised as income to the extent that it is recoverable, and offset by grants received in the year to discharge pension payments.

Actuarial gains or losses arising on scheme liabilities are reflected in the Statement of Total Recognised Gains and Losses and a corresponding adjustment is recognised in the amount recoverable from the Department of Enterprise, Trade and Innovation.

Pension liabilities represent the present value of future pension payments earned to date. Deferred pension funding represents the corresponding asset to be recovered in future periods from the Department of Enterprise, Trade and Innovation.

6 Stocks

Stocks of publications and stationery have no net realisable value and are not regarded as assets.

Income and Expenditure Account

For the Year Ended 31st December 2009

	Notes	€	2009 €	2008 €
Income				
Oireachtas grants	1		5,656,570	5,920,979
Net deferred funding for pensions	5(a)		120,000	109,000
Deposit interest			-	9
			<hr/>	<hr/>
			5,776,570	6,029,988
Transfer (to)/from Capital Account	2		68,235	74,299
			<hr/>	<hr/>
			5,844,805	6,104,287
Expenditure				
Salaries and related costs	3	4,259,403		4,213,767
Travel and subsistence		334,202		462,205
Commission members' fees	6	75,600		108,000
Rental of meeting rooms		146,621		160,148
Stationery and office supplies		31,866		48,972
Postage, carriage and telephone		169,312		151,927
Entertainment and catering		8,415		18,277
Research		78,987		93,500
Utilities & Office maintenance		156,866		192,478
Audit fee		8,750		8,750
Consultancy and professional fees		242,661		153,060
Miscellaneous		77,983		75,986
Printing		42,088		46,186
Training		8,823		13,738
Pension costs		120,000		109,000
Depreciation		96,403		131,562
Loss on disposal of fixed assets		-		349
			<hr/>	<hr/>
			5,857,980	5,987,905
Surplus/(Deficit) for year			<hr/>	<hr/>
Balance at 1st. January			(13,175)	116,382
			<hr/>	<hr/>
			121,888	5,506
			<hr/>	<hr/>
31st. December			108,713	121,888
			<hr/>	<hr/>

The results for the year relate to continuing operations.

The Statement of Accounting Policies and Notes 1 to 12 form part of these Financial Statements.



Chairperson
Date: December 7th. 2010



Chief Executive
Date: December 7th. 2010

Statement of Total Recognised Gains and Losses

For the Year Ended 31st December 2009

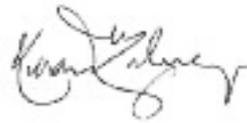
	Notes	2009 €	2008 €
Surplus/(deficit) for the year		(13,175)	116,382
Experience gains/(losses) on pension scheme liabilities		(80,000)	(41,000)
Changes in assumption underlying the present value of pension scheme liabilities		-	-
Actuarial gain / (loss) on pension liabilities		(80,000)	(41,000)
Adjustment to deferred pension funding	5(d)	80,000	41,000
Total recognised gain/(loss) for the year		(13,175)	116,382

The results for the year relate to continuing operations.

The Statement of Accounting Policies and Notes 1 to 12 form part of these Financial Statements.



Chairperson
Date: December 7th. 2010



Chief Executive
Date: December 7th. 2010

Balance Sheet

For the Year Ended 31st December 2009

	Notes	€	2009 €	2008 €
Fixed Assets	8		303,340	371,575
Current Assets				
Debtors and prepayments	9	100,608		134,583
Cash at bank and on hand	10	103,199		117,268
		<u>203,807</u>		<u>251,851</u>
Current Liabilities				
Creditors (amounts falling due within one year)	11	95,094		129,963
		<u>95,094</u>		<u>129,963</u>
Net Current Assets			<u>108,713</u>	<u>121,888</u>
Total Assets less Current Liabilities before Pension			<u>412,053</u>	<u>493,463</u>
Deferred pension funding	5(c)		1,300,000	1,100,000
Pension liabilities	5(b)		(1,300,000)	(1,100,000)
Total Assets less Current Liabilities			<u>412,053</u>	<u>493,463</u>
Represented By:				
Capital Account	2		303,340	371,575
Income and expenditure account			108,713	121,888
			<u>412,053</u>	<u>493,463</u>

The Statement of Accounting Policies and Notes 1 to 12 form part of these Financial Statements.



Chairperson
Date: December 7th. 2010



Chief Executive
Date: December 7th. 2010

Notes to the Financial Statements

For the Year Ended 31st December 2009

1 Oireachtas Grants

The Department of Enterprise, Trade and Innovation provided grant funding during the year as follows:

Paid over to the Labour Relations Commission
Paid directly by the Department

	2009 €	2008 €
Paid over to the Labour Relations Commission	1,304,000	1,615,000
Paid directly by the Department	4,352,570	4,305,979
	<u>5,656,570</u>	<u>5,920,979</u>

2 Capital Account

Balance at 1st. January

Transfer from Income and Expenditure Account

Income applied to purchases of Fixed Assets
Net book value of assets disposed
Amortisation in line with depreciation

Balance at 31st. December

	2009 €	2008 €
Balance at 1st. January	371,575	445,874
Income applied to purchases of Fixed Assets	28,168	57,612
Net book value of assets disposed	0	(349)
Amortisation in line with depreciation	(96,403)	(131,562)
	<u>(68,235)</u>	<u>(74,299)</u>
Balance at 31st. December	<u>303,340</u>	<u>371,575</u>

3 Salaries and Related Costs

All staff, other than the Chief Executive and the 15 Rights Commissioners, are Civil Servants assigned to the Commission by the Department of Enterprise, Trade and Innovation. The charge of €4,259,403 includes fees of €1,384,003 payable to the fifteen (15) Rights Commissioners. The total number of staff employed at 31st December 2009 was 49 (2008 - 51) with a salary cost of €2,698,466 (salary 2008 €2,676,076).

4 Chief Executive

The Chief Executive received salary payments of €176,934. No bonus payments were made in the year. The Chief Executive received an amount of €11,828 in respect of travel and subsistence.

The Chief Executive's pension entitlements do not extend beyond the standard entitlements in the model public sector defined benefit superannuation scheme.

5 Pension

(a) Analysis of total pension costs charged to Expenditure

Current service costs

Interest on Pension Scheme Liabilities

Balance at 31st. December

	2009 €	2008 €
Current service costs	60,000	57,000
Interest on Pension Scheme Liabilities	60,000	52,000
Balance at 31st. December	<u>120,000</u>	<u>109,000</u>

Notes to the Financial Statements (continued)

For the Year Ended 31st December 2009

(b) Movement in net pension liability during the financial year

	2009	2008
	€	€
Net pension liability at January 1st.	1,100,000	950,000
Current service cost	60,000	57,000
Interest cost	60,000	52,000
Actuarial loss/(gain)	80,000	41,000
Pensions paid in the year	-	-
	<hr/>	<hr/>
Net pension liability at 31st. December	<u>1,300,000</u>	<u>1,100,000</u>

(c) Deferred funding for pensions

The Commission recognises these amounts as an asset corresponding to the unfunded deferred liability for pension on the basis of the set of assumptions described above and a number of past events. These events include the statutory basis for the establishment of the pension schemes, and the policy and practice currently in place in relation to funding public service pensions including the annual estimates process.

The Commission has no evidence that this funding will not continue to meet such sums in accordance with current practices. The deferred funding asset for pension as at 31st. December 2009 amounted to €1,300,000 (2008: €1,100,000)

(d) History of defined benefit obligations

	2009	2008
Defined benefit obligations	1,300,000	1,100,000
Experience losses/(gains) on scheme liabilities:		
Amount	80,000	41,000
Percentage of scheme liabilities	(5%)	4%
The cumulative actuarial loss recognised in the Statement Total Recognised Gains and Losses amounts to €424,000.		

(e) General description of the Scheme

The pension scheme is a defined benefit salary pension arrangement with benefits and contributions defined by reference to current "model" public sector scheme regulations. The valuation used for FRS17 (Revised) disclosures has been based on a full actuarial valuation on February 27th. 2010 by a qualified independent actuary taking account of the requirements of the FRS in order to assess the scheme liabilities at 31st. December 2009.

The principal actuarial assumptions were as follows:

	2009	2008
Rate of increase in salaries	4%	4%
Rate of increase in pensions in payment	4%	4%
Discount rate	5.5%	5.5%
Inflation rate	2%	2%
Average life expectancy:		
Male aged 65	22	18
Female aged 65	25	22

Notes to the Financial Statements (continued)

For the Year Ended 31st December 2009

6 Commission Members' Fees

The annual fees payable to Commission Members are as follows:

	2009	2008
	€	€
Chairman	16,800	24,000
Ordinary Members	58,800	84,000
	<u>* 75,600*</u>	<u>108,000</u>

•* This Amount paid in fees in 2009 (€75,600) reflects the absence of a Board during the period April 2009 to end of June 2009.

7 Rent and Rates

The Commission operates from offices provided on a rent free basis by the Office of Public Works.

8 Fixed Assets

	Furniture, Fixtures and Fittings	Equipment	Total
Cost	€	€	€
At 1st. January 2009	446,080	726,880	1,172,960
Additions In Year	10,899	17,269	28,168
Disposals In Year	-	(9,129)	(9,129)
At 31st. December 2009	<u>456,979</u>	<u>735,020</u>	<u>1,191,999</u>
Accumulated Depreciation			
At 1st. January 2009	215,244	586,141	801,385
Charge for Year	40,595	55,808	96,403
Depreciation on Disposals	-	(9,129)	(9,129)
At 31st. December 2009	<u>255,839</u>	<u>632,820</u>	<u>888,659</u>
Net book values			
At 31st. December 2009	<u>201,140</u>	<u>102,200</u>	<u>303,340</u>
At 31st. December 2008	<u>230,836</u>	<u>140,739</u>	<u>371,575</u>

Notes to the Financial Statements (continued)

For the Year Ended 31st December 2009

9 Debtors & Prepayments

	2009	2008
	€	€
Debtors	4,941	39,458
Prepayments	17,400	16,858
OPW	78,267	78,267
	<hr/>	<hr/>
	100,608	134,583
	<hr/>	<hr/>

10 Bank & Cash

	2009	2008
	€	€
Current account	101,649	115,850
Deposit account	1,333	1,333
Petty cash	217	85
	<hr/>	<hr/>
	103,199	117,268
	<hr/>	<hr/>

11 Creditors

	2009	2008
	€	€
Accruals	86,344	96,246
Audit fee	8,750	8,750
Rights Commissioners	-	24,967
	<hr/>	<hr/>
	95,094	129,963
	<hr/>	<hr/>

12 Related Party Transactions

The Labour Relations Commission is an independent statutory body under the aegis of the Department of Enterprise, Trade and Innovation. The Commission received grant aid from the Department of Enterprise, Trade and Innovation and, due to various material transactions, this Department is regarded as a related party.

The Board adopted procedures in accordance with the Code of Practice for the Governance of State Bodies in relation to the disclosure of interest by the Board members and these procedures have been adhered to in the year.

There were no transactions in the year in relation to the Board's activities in which the Board members had any beneficial interest.

Notes to the Financial Statements (continued)

For the Year Ended 31st December 2009

13 Commission Members' Fee List

Commission Members	Fees €
Maurice Cashell (Chair *)	€6,000
Peter Bunting *	€3,500
Liam O'Rourke *	€3,500
Breege O'Donoghue (Chair)	€14,300
Peter McLoone	€9,800
Brendan McGinty	€9,800
Gerard Barry	€9,800
Fergus Whelan **	€6,300
John Hennessy **	€6,300
Iarla Duffy **	€6,300

*The Board ceased office in Q1 2009 and these Members did not renew their appointments.

** A new Board commenced office in July 2009 with three new members and included the appointment of Breege O'Donoghue as Chair.

The amount paid to Commission Members in 2009 in respect of:

Mileage Expenses	€1,757.92
Subsistence Expenses	€612.17
Total T & S paid in 2009	€2,370.09

Appendix A

(1) Research Reports

- “New Challenges in Irish Industrial Relations” – reports from a series of seminars. Editors Bill Roche/ Patrick Gunnigle (1995).
- “Competitive Strategies and Employee Relations in the Retail Sector” (1996).
- “A Strategic Analysis of the Irish Food Industry – Implications for Human Resource Practice” (1997).
- “Employment and Employee Relations Practices in the Medical Technology Sector in the West of Ireland” (2001).
- “The Euro – Implications for Human Resource Strategies”.
- “Migrant Workers and Access to the Statutory Dispute Resolution Agencies” (2007).
- Review of Industrial Relations in the Health Sector (Advisory Service).
- “Effectiveness of the Codes of Practice Survey” (2005).
- 3 Reviews of the JLC/JIC System – (Chubb/Chadwick/Wallace).
- “Employment Dispute Resolution and Standard Setting in Ireland” (2008).
- The Dynamics of workplace Dispute Resolution in Contemporary Ireland” (2008).
- Enforcing Individual Employment Rights – Lessons from the Employment Rights Dispute Resolution Bodies” (2006/2007).
- “Human Resource Practices in Multinational Companies in Ireland” (2009).
- “Managing HR in Multination Companies in Ireland: Autonomy/Co-ordination and Control” (2009).

- LRC/LRA Study – “Approaches to the Fixed Term and Working Time Directives” (2009).
- “Human resource in the Recession: Managing and Representing People at Work in Ireland”

(2) Strategy Statements

- Improving Irish Industrial Relations – 1996-2000.
- Strategic review – Discussion Document – 2001.
- LRC Strategy Framework – 2002-2004.
- LRC Statement of Strategy – “A Quality Shift in Employment Relations” 2004-2007.
- LRC Strategy – “Developing Best Practice in Employment Relations” 2008-2010.
- LRC Strategy – “Building Better Employment Relations in a Recessionary Period” 2011-2013.

(3) Recent Symposia

- “Building Better Employment Relations in a Recessionary Period” – (Feb 2011)
- “Human Resource Management in Multinational Companies” – International Symposia (2008).
- “New Perspective on Workplace Change” (2006).
- “Changing Approaches to Industrial Relations in the Republic of Ireland/Northern Ireland/UK” (2005) (Joint seminar with LRA).
- “Meeting the challenge for change – Irish Labour Market Issues in a Global Economy” (2004).

Appendix B

Legislation/Regulations covered by the Rights Commissioner Service

1. Adoptive Leave Acts 1995 and 2005
2. Carer's Leave Act 2001
3. Charities Act 2009
4. Chemicals Act 2008
5. Competition Acts 2002 and 2006
6. Consumer Protection Act 2007
7. Employees (Provision of Information and Consultation) Act 2006
8. Employment Permits Act 2006
9. Health Act 2007
10. Health, Safety and Welfare at Work Act 2005
11. Industrial Relations Acts 1969 to 1990
12. Industrial Relations (Miscellaneous Provisions) Act 2004
13. Inland Fisheries Act, 2010
14. Labour Services (Amendment) Act 2009
15. Maternity Protection Acts 1994 and 2004
16. National Asset Management Agency Act 2009
17. National Minimum Wage Act 2000
18. Organisation of Working Time Act 1997
19. Parental Leave Acts 1998 and 2006
20. Payment of Wages Act 1991
21. Protection of Employees (Exceptional Collective Redundancies and Related Matters) Act 2007
22. Protection of Employees (Fixed-Term Work) Act 2003
23. Protection of Employees (Part-Time Work) Act 2001
24. Protection of Persons Reporting Child Abuse Act 1998
25. Protection of Young Persons (Employment) Act 1996
26. Terms of Employment (Information) Acts 1994 and 2001
27. Unfair Dismissals Acts 1977 – 2007
28. European Communities (European Cooperative Society)(Employee Involvement) Regulations 2007
29. European Communities (European Public Limited-Liability Company)(Employee Involvement) Regulations 2006
30. European Communities (Organisation of Working-Time)(Mobile Staff in Civil Aviation) Regulations 2006
31. European Communities (Protection of Employment) Regulations, 2000
32. European Communities (Protection of Employees on Transfer of Undertakings) Regulations 2003.
33. European Communities (Working Conditions of Mobile Workers Engaged in Interoperable Cross-Border Services in the Railway Sector) Regulations 2009



Appendix C

Codes of Practice

- Dispute Procedures, including Procedures in Essential Services (S.I. No. 1 of 1992).
- Duties and Responsibilities of Employee Representatives (S.I. No. 169 of 1993).
- Compensatory Rest Periods (S.I. No. 44 of 1998).
- Sunday Working in the Retail Trade (S.I. No. 444 of 1998).
- Grievance and Disciplinary Procedures (S.I. No. 146 of 2000).
- Procedures for Addressing Bullying in the Workplace (S.I. No. 17 of 2002).
- Voluntary Dispute Resolution (S.I. No. 76 of 2004).
- Victimisation (S.I. No. 139 of 2004).
- Access to Part-time Working (S.I. No. 8 of 2006).
- Protecting Persons Employed in other People's Homes (S.I. No. 239 of 2007).
- Information and Consultation (S.I. No. 132 of 2008).



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