

The Labour Court of Iceland

The National Labour Court of Iceland was established by the enactment of the Act on Trade Unions and Industrial Disputes No. 80/1938. Such a court had not been in the country before. The site of the Labour Court is in the capital city, Reykjavík, and its jurisdiction is the whole country.

The Court consists of five persons appointed for terms of three years, as follows: One by the Confederation of Icelandic Employers, one by the Icelandic Federation of Labour, one by the Minister of Social Affairs out of three persons nominated by the Supreme Court, and two by the Supreme Court, one of whom shall be specially nominated to be the President of the Court. If an employer involved in a case is not a member of the Confederation of Icelandic Employers, the judge nominated by the Confederation shall vacate his seat and the employer shall nominate a judge to take his place in the case. The same shall apply as regards the judge appointed by the Icelandic Federation of Labour when a party to the case is a trade union or federation of trade unions standing outside the overall employees' organization. The same parties shall nominate deputy judges who take their seats when the principal judges are indisposed.

It is a civil duty to take a seat in the Labour Court. The judges shall be Icelandic citizens, in charge of their financial affairs and with an unblemished reputation. The two judges who are appointed by the Supreme Court shall have a university degree in Law.

Each case has to be tried by a panel of 5 judges. The two judges appointed by the Supreme Court and the judge appointed by Minister of Social Affairs hear every case tried before the court. It is a general principle that the Labour Union and the Federation of Employers represent their members before the Labour Court. Those associations that are not members of the Federation of Employers or the Labour Union represent themselves before the Labour Court. Individuals that are not members of any federations or unions represent themselves. If the Federation or the Union denies to institute a litigation on behalf of a certain party, that respective party can in his or her own capacity institute such a litigation. But before such a party can sue out a summons he has to prove it before the President of the Labour Court that his federation or union has denied to institute the litigation. A controversy that can be litigated before the Labour Court shall not be proceeded in the general courts. The way of procedure before the Labour Court is in principle the same as in the ordinary lower courts.

The function of the Labour Court is as follows:

1. to pass judgments in cases arising on account of charges concerning violation of the Act no. 80/1938 and loss sustained due to unlawful stoppage of work.
2. to pass judgments in cases arising on account of charges concerning violations of a work agreement or due to disagreement relating to the interpretation of a work agreement or its validity.
3. to pass judgments in other cases between workers and employers which the parties concerned have agreed to refer to the Court, provided that at the least 3 of the judges be agreed upon such a procedure.

The Labour Court is supposed to act fast. Decisions of the court can generally not be appealed to any other court, so they constitute the final result of the dispute. Within a week of the pronouncement of judgement or decree the following may, however, be referred to the Supreme Court:

1. A judgement or ruling of dismissal.
2. A judgment of invalidation on the grounds that the case does not fall within the jurisdiction of the Labour Court.
3. An order on the duty to witness, the swearing of oaths and fines for breaches of court procedure under Articles 60 and 63 of the Act no. 80/1938.
4. A decision on the imposition of fines on parties under Article 65 of the Act no. 80/1938 .

Other cases concerning individual rights are dealt with in the general court system which has two levels, the District Courts (eight in number) and the Supreme Court of Iceland.

