



# **GUIDE TO THE LABOUR COURT**

## **MISSION STATEMENT OF THE LABOUR COURT**

“To find a basis for real and substantial agreement through the provision of fast, fair, informal and inexpensive arrangements for the adjudication and resolution of trade disputes”

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## **FORWARD**

The Labour Court was established in 1946 and has, in the intervening years, played a central role in dispute resolution in Ireland.

The responsibilities and role of the Court have been considerably enhanced over the years as a result of the increase in national and European employment legislation.

The Court is an independent body consisting of representatives of employers and workers participating on an equal basis.

This booklet is intended not only to explain the functions of the Court but also to act as a guide to the users of our services

Kevin Duffy  
Chairman

## WHAT THE LABOUR COURT DOES

- **Provides a comprehensive service for the resolution of disputes about industrial relations, equality, organisation of working time, national minimum wage, part-time work, fixed-term work matters**

### Functions of the Labour Court

The Labour Court provides a free, comprehensive service for the resolution of industrial relations disputes and deals also with matters arising under employment equality, organisation of working time, national minimum wage, part-time work and fixed-term work legislation.

The Labour Court is not a court of law. It operates as an industrial relations tribunal, hearing both sides in trade disputes and then issuing Recommendations setting out its opinion on the dispute and the terms on which it should be settled. While these Recommendations are not binding on the parties concerned, the parties are expected to give serious consideration to the Court's Recommendation. Ultimately, however, responsibility for the settlement of a dispute rests with the parties.

When dealing with cases involving breaches of registered employment agreements, the Labour Court makes legally binding orders. Also, the Court's determinations under the Employment Equality, Pensions, Organisation of Working Time, National Minimum Wage, Industrial Relations (Amendment), Protection of Employees (Part-Time Work) and Protection of Employees (Fixed-Term Work) Acts are legally binding.

A detailed list of the current functions of the Labour Court is given below.

#### **Detailed Current Functions of the Labour Court are to:**

##### **(Industrial Relations)**

- investigate trade disputes under the Industrial Relations Acts, 1946 to 2004
- investigate, at the request of the Minister for Enterprise, Trade and Employment, trade disputes affecting the public interest, or conduct an enquiry into a trade dispute of special importance and report on its findings
- hear appeals of Rights Commissioners' recommendations under the Industrial Relations Acts.
- establish Joint Labour Committees and decide on questions concerning their operation
- register, vary and interpret employment agreements
- register Joint Industrial Councils
- investigate complaints of breaches of registered employment agreements
- investigate complaints of breaches of codes of practice made under the Industrial Relations Act, 1990 (following consideration of the complaint by the Labour Relations Commission)
- give its opinion as to the interpretation of a code of practice made under the Industrial Relations Act, 1990
- investigate disputes (where negotiating arrangements are not in place) under the Industrial Relations (Amendment) Act, 2001 as amended by the Industrial Relations (Miscellaneous Provisions) Act, 2004

### **(Equality)**

- hear appeals of decisions and recommendations under the Employment Equality Act, 1998 and the equality provisions of the Pensions Act, 1990
- hear appeals of Non-discrimination Notices and Substantive Notices issued by the Equality Authority

### **(Organisation of Working Time)**

- approve working time agreements under the Organisation of Working Time Act, 1997
- hear appeals of Rights Commissioners' decisions under the Organisation of Working Time Act, 1997
- investigate complaints of the non-implementation of Rights Commissioners' decisions under the Organisation of Working Time Act, 1997

### **(National Minimum Wage)**

- hear appeal of Rights Commissioners' decisions under the National Minimum Wage Act, 2000
- investigate complaints of the non-implementation of Rights Commissioners' decisions under the National Minimum Wage Act, 2000
- hear applications for exemption from the provisions of the National Minimum Wage Act, 2000

### **(Part-Time Work)**

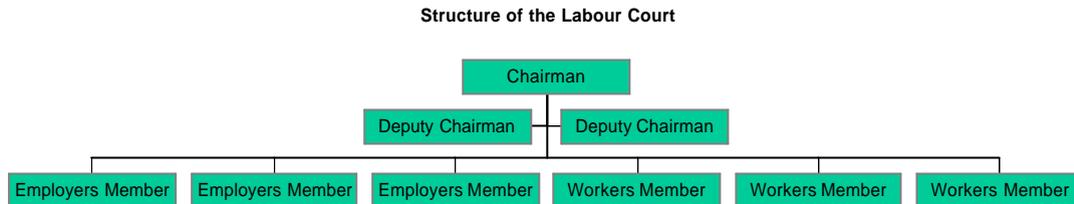
- approve collective agreements regarding casual part-time employees under the Protection of Employees (Part-Time Work) Act, 2001
- hear appeals of Rights Commissioners' decisions under the Protection of Employees (Part-Time Work) Act, 2001
- investigate complaints of non-implementation of Rights' Commissioners' decisions under the Protection of Employees (Part-Time Work) Act, 2001

### **(Fixed-Term Work)**

- hear appeals of Rights Commissioners' decisions under the Protection of Employees (Fixed-Term Work) Act, 2003
- investigate complaints of non-implementation of Rights' Commissioners' decisions under the Protection of Employees (Fixed-Term Work) Act, 2003

## STRUCTURE OF THE LABOUR COURT

The Labour Court consists of 9, full-time, members - a Chairman, 2 Deputy Chairmen and 6 Ordinary Members, 3 of whom are Employers' Members and 3 of whom are Workers' Members.

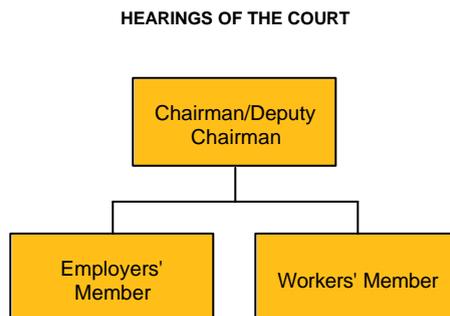


The Chairman and the 2 Deputy Chairmen are appointed by the Minister for Enterprise, Trade and Employment. The Employers' Members are nominated by IBEC (Irish Business and Employers' Confederation) and the Workers' Members are nominated by ICTU (Irish Congress of Trades Unions).

The Labour Court also has a legal adviser - the Registrar - appointed by the Minister for Enterprise, Trade and Employment.

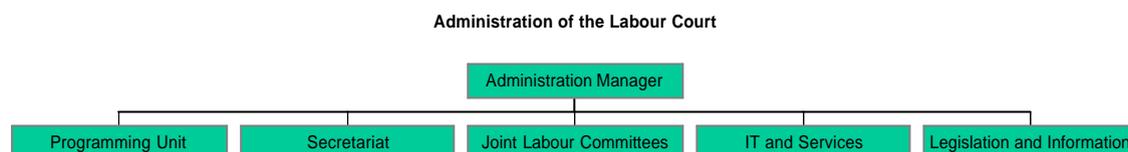
### Operational Structure of the Labour Court

To ensure that cases are processed with a minimum of delay, the Court operates in 3 separate Divisions, although certain issues may require a meeting of the full Court. A Division is made up of the Chairman or a Deputy Chairman, an Employers' Member and a Workers' Member. Hearings are held in Dublin and at several venues throughout the country.



## Administrative Structure of the Labour Court

The workings of the Labour Court are supported by an administrative service staffed by civil servants. The service is divided into 5 administrative sections - Programming, Secretariat, Joint Labour Committees, IT and Services and Legislation and Information.



Programming Unit processes referrals to the Court, arranges hearings and provides information on how to refer cases to the Labour Court.

The Secretariat consists of the Court Secretaries. Each hearing of the Labour Court is attended by a Court Secretary who records the proceedings, subsequently issues the Recommendations of the Court to the parties in the particular case, and deals with any queries in relation to the case.

Joint Labour Committee Section provides a secretariat to the Joint Labour Committees, drafts Employment Regulation Orders (EROs), publishes notices about proposed EROs, submits finalised EROs to the Labour Court for approval, and circulates approved EROs to the relevant organisations. This Section also processes and submits for registration Employment Agreements; and provides a Secretary to certain Joint Industrial Councils.

I.T. and Services Section deals with internal administration matters at the Labour Court, including Information Technology.

Legislation and Information Section receives applications under the Organisation of Working Time Act, 1997, and the Protection of Employees (Part-time Work) Act, 2001, processes them, and submits valid applications to the Labour Court for approval; coordinates the examination of relevant legislation by the Court; provides information about the work of the Court; and manages the Court's website.

## **HISTORY AND DEVELOPMENT OF THE LABOUR COURT**

The Labour Court was established in 1946 (following the enactment of the Industrial Relations Act, 1946). Its main functions were to adjudicate in trade disputes and to provide a conciliation service. Other functions given to the Court included the establishment of Joint Labour Committees and the registration of employment agreements and Joint Industrial Councils.

There have been many changes to its structure and functions since then, following amendments to the Industrial Relations Act in 1969, 1976, 1990, 2001 and 2004, and the enactments of:

- the Anti-Discrimination (Pay) Act, 1974,
- the Employment Equality Act, 1977,
- the Pensions Act, 1990,
- the Organisation of Working Time Act, 1997
- the Employment Equality Act, 1998,
- the National Minimum Wage Act, 2000
- the Protection of Employees (Part-Time Work) Act, 2001
- the Protection of Employees (Fixed-Term Work) Act, 2003

An equality service was added in 1975 to deal with equal pay - and later, equal treatment - cases. In 1991, this service, and the conciliation service of the Labour Court were transferred to the newly established Labour Relations Commission. In 1999, the equality service was transferred from the Labour Relations Commission to the newly formed Equality Authority and Office of the Director of Equality Investigations (the Equality Tribunal), (under the auspices of the Department of Justice, Equality and Law Reform) under the Employment Equality Act, 1998.

The Labour Court retained its other functions under equality legislation, including the hearing of appeals and investigating complaints of dismissal under the Employment Equality and Pensions Acts (appeals under the equality provisions of the Pensions Act, 1990 are heard by the Labour Court).

The Court acquired additional functions in 1997, 2000, 2001 and 2003 under the Organisation of Working Time Act, 1997, the National Minimum Wage Act, 2000, the Protection of Employees (Part-Time Work) Act, 2001 and the Protection of Employees (Fixed-Term Work) Act, 2003 respectively. In 1999, the Court's remit under equality legislation was broadened by the coming into operation of the Employment Equality Act, 1998.

The Organisation of Working Time Act, 1997 gave the Court responsibility for processing applications for approval of working time agreements as well as an appellate and enforcement function in relation to Rights Commissioners' decisions under that Act.

The Employment Equality Act, 1998 extended the Courts functions in relation to equality matters to reflect the widening of the scope of equality legislation.

The National Minimum Wage Act, 2000 gave the Labour Court an appellate and enforcement role in relation to recommendations of Rights Commissioners under that Act, as well as empowering the Court to exempt employers, in certain circumstances and for a maximum of 12 months, from the scope of the Act.

The Protection of Employees (Part-Time Work) Act, 2001 gave the Court an appellate and enforcement role in relation to decisions of Rights Commissioners under the Act; and responsibility for processing of applications for approval of collective agreements concerning casual part-time employees under the Act.

The Protection of Employees (Fixed-Term Work) Act, 2003 gave the Court an appellate and enforcement role in relation to decisions of Rights Commissioners under the Act.

## HOW THE LABOUR COURT WORKS

- **Court of last resort**
- **Investigation method**
- **Referral methods**
- **How disputes are dealt with by the Court**

The Labour Court deals with the following types of disputes:-

- industrial relations
- equality
- organisation of working time
- national minimum wage
- part-time work
- fixed-term work

*Note: industrial relations disputes do not usually involve legal employment rights. Certain employment rights are defined in law (statutory redundancy, minimum notice, unfair dismissal etc); most of these are subject to a qualifying period of employment, and are, in general, dealt with by another body - the Employment Appeals Tribunal. However, where the qualifying period of employment has not been reached (e.g. in a dismissal case where the person has been employed for less than 12 months), or the dispute relates to equality, organisation of working time, national minimum wage, part-time work or fixed-term work the matter may be referred to the Labour Court.*

### **Court of last resort**

The role of the Labour Court in dispute resolution is to act as a court of last resort. In other words, local dispute resolution arrangements in the company or organisation, and the other dispute resolution machinery of the State (the Labour Relations Commission; the Rights Commissioner Service) should have been fully utilised before a case comes before the Labour Court.

### **Investigation method**

The Labour Court investigates disputes by requiring the parties to a dispute to provide it with written submissions of their positions in relation to the dispute, and, subsequently, by holding hearings which both parties attend. The hearings are usually held in private, unless one of the parties requests a public hearing.

In most cases the Labour Court deals with disputes which are referred to it (the ways in which a dispute can be referred to the Court are described below); occasionally though, the Labour Court will intervene in an industrial relations dispute and invite the parties to come before it.

## **Referral methods (7): ways in which a case can be referred to the Labour Court.**

**(i) LRC Referral**  
*(industrial relations dispute)*

The parties to the dispute have availed of the conciliation services of the Labour Relations Commission (LRC) but have failed to reach agreement - in this case the LRC, at the request of the parties, refers the case to the Labour Court; or

**(ii) LRC Waiver**  
*(industrial relations dispute)*

the LRC has waived its conciliation function in the dispute; or

**(iii) Labour Court Intervention**  
*(industrial relations dispute)*

the Court determines that exceptional circumstances prevail in the dispute and, following consultation with the LRC, invites the parties to the dispute to avail of its services; or

**(iv) Ministerial Intervention**  
*(industrial relations dispute)*

the Minister for Enterprise, Trade and Employment refers a dispute to the Court; or

**(v) Direct Referral – Advance Acceptance of Recommendation**  
*(industrial relations dispute)*

where a worker, or workers, in a trade dispute, or a trade union on his/her/their behalf, or all the parties, agree in advance to accept the Labour Courts recommendation (the Court may give priority to the investigation of such disputes), they can bring their case direct to the Labour Court (under section 20(1) of the Industrial Relations Act, 1969); this may happen where initially the worker(s) referred the dispute to a Rights Commissioner but the employer did not agree to have the case heard by the Rights Commissioner - in such a case the Rights Commissioner informs the worker(s) that the employer has not agreed to his/her hearing of the case and advises the worker(s) that a direct referral may be made to the Labour Court.

**(vi) Appeal of the decision of a Rights Commissioner**  
*(industrial relations dispute or dispute concerning organisation of working time, national minimum wage, part-time work or fixed-term work)*

Where a case has been heard by a Rights Commissioner and a recommendation has been issued, either party to the dispute may appeal the recommendation to the Labour Court; such appeals must be made to the Labour Court within 6 weeks of the date of the Rights Commissioner's recommendation. The appeal can be on the basis that one of the parties does not agree with the Rights Commissioners recommendation, or one of the parties seeks to have the recommendation of the Rights Commissioner enforced.

**(vii) Appeal of the decision of the Director of the Equality Tribunal**  
*(equality dispute)*

Where a case has been investigated by the Equality Tribunal and the Director of the Equality Tribunal has made a decision, either party to the dispute may appeal the decision to the Labour Court; such appeals must be made to the Labour Court within 42 days of the date of the decision of the Director of the Equality Tribunal.

**How the Labour Court deals with disputes**

There are 5 stages:-

- Referral
- Agree date of hearing
- Parties make written submissions
- Hearing
- Issue of Recommendation/Determination/Decision/Order

**Referral; Agree date of hearing**

Provided a dispute has been correctly referred to the Court (see “Referral Methods” above), the Programming Section of the Court will allocate and communicate a suitable date and venue for a hearing to the parties to the dispute as soon as possible after date of referral.

The majority of cases are heard in Dublin, but the Labour Court also holds hearings at a number of venues throughout the country.

**Submissions**

The parties will then be required to supply the Court with written submissions stating their positions in relation to the dispute. Guidelines on the preparation of submissions, and examples, are given on pages 18 to 24.

In industrial relations, working time, national minimum wage, part-time work and fixed-term work cases, six copies of the submissions should be delivered to the Court, by post or by hand (but not by fax), no later than 3 working days prior to the date of the hearing.

In equality cases, separate procedures apply – these are advised to the parties by the Court at time of referral of the case to the Court.

**Hearing**

Information on what happens at a Labour Court hearing is on page 25.

### **Issue of Recommendation/Determination/Decision/Order**

After the hearing (i.e. usually within 3 weeks), the Labour Court will issue, to the parties, its written Recommendation (as to how the dispute might be resolved).

In a case involving the appeal of the decision of a Rights Commissioner, the Decision of the Court in relation to that appeal will usually be issued within 3 weeks of the hearing. The Court's Decision in these cases may uphold the original decision of the Rights Commissioner, or vary it, or overturn it.

In relation to an appeal of the decision of the Director of the Equality Tribunal the Determination of the Court of that appeal the Court's Determination may uphold the original decision of the Director of the Equality Tribunal, or vary it, or overturn it.

## ISSUES DEALT WITH BY THE LABOUR COURT

The Labour Court will deal with any dispute between workers and employers provided it is referred to the Court in accordance with the relevant legislation.

An alphabetical list of some issues with which the Court has dealt in the past includes:-

- Allowances
- Annual Leave
- Computerisation
- Contracting Out
- Demarcation
- Discipline
- Dismissal\*
- Equal Pay
- Equal Treatment
- Equality
- Hours of Work/Working time
- Implementation
- Interpretation (of scope of Joint Labour Committees/Employment Regulation Orders)
- Lay-off
- Leave
- Local Agreement Procedures
- Negotiating Rights
- Overtime
- Pay Claims
- Pay Claims under National Agreements
- Pay issues
- Pensions
- Premiums
- Productivity
- Promotion
- Rationalisation
- Recruitment
- Redundancy
- Registered Employment Agreements
- Relocation
- Reorganisation
- Sexual Harassment
- Shift Pay
- Shift Work
- Sick Pay
- Temporary Employment
- Union Recognition
- Wage Rounds

\*Dismissals where the person has been employed for less than 12 months (and consequently does not come within the within the scope of the Unfair Dismissals Acts, 1977-1993) or where dismissal is on discriminatory/victimisation grounds as covered in equality legislation.

## **JOINT LABOUR COMMITTEES**

Joint Labour Committees (JLCs) are statutory bodies established under the Industrial Relations Acts, 1946 to 2004 to provide machinery for the fixing of minimum rates of pay and the regulation of conditions of employment.

JLCs are composed of representatives of employers and workers in a particular sector and they meet periodically to discuss and agree terms and conditions to apply to specified workers in that sector. When a JLC agrees terms and conditions, it makes proposals to the Labour Court.

There are at present 19 JLCs (listed in Appendix 1, page 29).

### **Function of the Labour Court re. Joint Labour Committees; Employment Regulation Orders**

JLCs are established, in the first instance, by order of the Labour Court.

The Labour Court supports the operation of JLCs by making available an Officer of the Court to act as Secretary to each Committee. Clerical and other facilities are also provided by the staff of the Court.

The Court receives proposals from the JLCs on foot of which it makes Employment Regulation Orders (EROs). EROs are statutory instruments which set out terms and conditions applying to specified workers in a particular sector. A full list of EROs is listed at Appendix 2 (page 30).

## **REGISTERED EMPLOYMENT AGREEMENTS**

Employment Agreements (provided for in the Industrial Relations Acts, 1946 to 2004), negotiated by the two sides in an industry or enterprise, may be presented to the Labour Court for registration. Where the Labour Court is satisfied that the agreement presented satisfies the statutory requirements, it will register the agreement. The effect of this is to make the provisions of the agreement legally enforceable in respect of every worker of the class, type or group to which it is expressed to apply and to his or her employer, even if such worker or employer is not a party to the agreement.

A Registered Employment Agreement may provide for future variation of any of its provisions; an application to vary the provisions of such an agreement must be made to the Court, which will consider the application and, if satisfied, approve it.

Currently, there are 45 Registered Employment Agreements (REAs) on the Register maintained by the Labour Court. These are listed at Appendix 3 (page 31).

## **JOINT INDUSTRIAL COUNCILS**

A “Qualified Joint Industrial Council” is defined in the Industrial Relations Act, 1946. While a Joint Labour Committee (JLC) is a statutory body, the Joint Industrial Council (JIC) is a voluntary negotiating body for an industry or part of an industry and is representative of employers and workers. If it fulfils conditions set out in the industrial relations legislation, it may apply to the Labour Court for registration and the Court, if satisfied, will place it on the Register of Joint Industrial Councils.

Currently there are three Registered Joint Industrial Councils (listed below); in addition there are a number of others which have not applied for registration. The Labour Court facilitates the Councils - both registered and unregistered - by making available an officer of the Court to act as secretary at their meetings. The meetings are chaired by Industrial Relations Officers of the Labour Relations Commission.

### **LIST OF REGISTERED JOINT INDUSTRIAL COUNCILS CURRENTLY ON THE REGISTER**

<b>Name of Council</b>	<b>Date of Registration</b>
1. Joint Board of Conciliation and Arbitration for the Boot and Shoe Industry of Ireland.	10 <sup>th</sup> July, 1948
2. Joint Industrial Council for the Dublin Wholesale Fruit and Vegetable Trade.	27 <sup>th</sup> January, 1964
3. Joint Industrial Council for the Construction Industry.	26 <sup>th</sup> July, 1965

# HOW TO PREPARE A CASE TO THE LABOUR COURT

## Referral

In most cases, referral of the case to the Labour Court does not have to be initiated by the parties (i.e. where the parties have first availed of the conciliation services of the Labour Relations Commission (LRC), but have failed to reach agreement, the referral to the Labour Court will be made, at the request of the parties, by the LRC). However, there are 2 circumstances where the case must be initiated by a party to the case. These are:-

(i) *Direct Referral – industrial relations dispute – Section 20 Industrial Relations Act, 1969*

where, in an industrial relations dispute the case is being referred directly to the Court by one or both parties and they agree, in advance, to accept the Labour Court's recommendation (see (v) on page 11), **or**

(ii) *Appeals*

where the recommendation of a Rights Commissioner (in an industrial relations case) or the decision of the Director of the Equality Tribunal (in an equality case), or the decision of a Rights Commissioner (in a working time case, a national minimum wage case, a part-time work case or a fixed-term work case) is being appealed to the Labour Court (see (vii) and (viii) of page 12).

In the first case (i.e. direct referral, advance acceptance of Recommendation) the complainant party must write to the Labour Court requesting a hearing. The complainant may do so on a form (available from the Court or on the Labour Court website ([www.labourcourt.ie](http://www.labourcourt.ie))), or by letter. If by letter to the Court, it should:-

- give the name and address of the parties (i.e. employer and worker(s));
- provide a brief summary of the dispute; and
- state that the complainant agrees to be bound by the Recommendation which the Labour Court will issue after the hearing.

In the second case (appeal of a recommendation or decision of a Rights Commissioner or of a decision or recommendation of the Director of the Equality Tribunal), the appeal should be made on the appropriate form (available from the Court or on the Labour Court website ([www.labourcourt.ie](http://www.labourcourt.ie))); or if by letter to the Court it should:-

- quote the reference number of the Rights Commissioner's/Director of the Equality Tribunal recommendation, or decision; and
- enclose a copy of the Rights Commissioner's/Director of the Equality Tribunal recommendation, or decision; and
- briefly state the grounds for the appeal.

***Note: an appeal of a recommendation or decision of a Rights Commissioner's or a decision or recommendation of the Director of the Equality Tribunal must be received by the Labour Court **within 6 weeks** of the date of the recommendation or decision.***

## Submissions

Both parties to a dispute must prepare a written submission (of their positions in relation to the dispute) before the hearing. These submissions will form the basis of the Court's investigation of the dispute at the hearing so it is important that they be clear and comprehensive, yet concise. Examples of submissions are given on pages 20 - 24.

In **industrial relations, working time, national minimum wage, part-time work and fixed-term work cases**, **6 copies** of the written submissions must be delivered to the Labour Court, by post or by hand (i.e. not by fax) **at least 3 working days before the date of the hearing**.

In **equality cases**, different procedures apply. Parties are advised of the requirements by the Court on receipt of a referral.

## Guidelines to preparing submissions

- Address to Chairman and Members of the Labour Court
- State Background
- Summarise Dispute
- State own position re. resolution of dispute
- Include copies of relevant back-up documentation as an appendix

***Please use headings, paragraph numbers and page numbers as this greatly facilitates reference to aspects of submissions in the course of Labour Court hearings.***

**Address:**

The submission should be addressed to the Chairman and Members of the Labour Court.

**Background:**

A brief description of the issue in dispute together with relevant information on the background to the dispute, the nature of the business (including, where appropriate, its trading/financial position), the history of the worker(s) should be set out at the beginning of the submission.

**Summary of dispute:**

The submission should then give a summary of:-

- how the dispute arose, and
- the position of the party in relation to the dispute.

**Proposed solution to dispute:**

The submission should conclude by stating the opinion of the party as to how the dispute should be resolved.

Copies of any back-up documentation referred to in the submission, or on which the submission could rely, should be attached to the submission as an Appendix.

## TWO EXAMPLES OF SUBMISSIONS

### SAMPLE SUBMISSION 1

#### Issue

**Employer wishes to install and operate video surveillance cameras in the workplace.**

**Union objects to proposed use of cameras to film workers while at work.**

[Page 1 of 2]

### SUBMISSION OF THE EMPLOYER

#### **Introduction:**

Chairman, Members of the Labour Court.

#### **Background:**

This case concerns the introduction of security cameras at our plant. The company, which is engaged in food processing, employs 250 people at this plant, 50% of whom are affected by this case.

#### **Summary of dispute:**

1. The accident record at our plant has been unacceptable for some time. Despite safety measures put in place by the company (consisting of safety awareness campaigns, safety training of supervisors and upgrading of protective equipment), the record remains poor.
2. The claims for compensation arising from these accidents (details provided separately to the Court on a confidential basis), and the suspicion (held by the company and its insurers) that some injuries have been self inflicted to obtain compensation, have led to our insurers stipulating that they will not renew our employer's liability insurance unless video surveillance cameras are installed in the production area.
3. The company cannot responsibly operate without valid employer's liability insurance and must therefore comply with the condition imposed by its insurer in order to renew its insurance.
4. The issues were discussed with the union but the union did not agree to the installation of the video cameras in the production area (the union did, however, agree to the positioning of cameras in certain non-production areas, as an anti-theft measure).
5. The dispute was referred to the Labour Relations Commission but agreement could not be reached.

**Our case:**

1. The use of video surveillance cameras is an increasingly necessary phenomenon in modern life; by accepting their use in the non-production areas the union have indicated that they are not opposed to their use in principle.
2. The company does not propose continuous monitoring of the video tapes but rather to examine them only where an incident has occurred.
3. The company must have employers liability insurance to operate and the insurers have refused to renew cover unless the cameras are installed.
4. The union has proposed no viable alternative to this proposal.

**Conclusion:**

We respectfully request that the Court, in its Recommendation, supports the position of the company.

## SUBMISSION OF THE UNION

### **Introduction:**

Chairman, Members of the Court

### **Background:**

This dispute concerns the company's wish to film our members while at work using video surveillance cameras, to which we object.

### **Summary of dispute:**

1. In August, 2000 the Union learned, through its shop stewards, that the company were in the process of installing video cameras throughout the plant. No prior consultation with the Union took place.
2. In September, 2000 the Union wrote to the company outlining our opposition to the installation of the cameras, both in principle and in the fact that the company has taken this decision in a unilateral fashion.
3. Irrespective of our opposition, the company has indicated that it intends to proceed with the installation of the cameras.
4. We then had no option but to advise the company that the Union would have to consider balloting its members on appropriate industrial action.
5. The company then agreed to have the issue referred to the Labour Relations Commission and the Union agreed that cameras could be installed, as an anti-theft measure, in non-production areas.
6. A Conciliation Conference was held at the Labour Relations Commission on 3<sup>rd</sup> October, 2000 but no agreement was reached.

### **Our case:**

1. As the company have now improved safety standards, the accident rate has decreased in recent months. There is, consequently, no justification for the installation of the cameras.
2. There is no proof that any workers have inflicted deliberate injuries; the implication of filming our members while working is that some of our workers have been involved in criminal activity.
3. By agreeing to the operation of cameras in the non-production areas, the Union has agreed to a reasonable compromise.
4. It is the job of Supervisors to monitor the activities of the workers.
5. The Union recognises that the company needs to cut down on compensation claims but does not accept that the filming of all our members while at work is justified.

### **Conclusion:**

We request the Court, in its Recommendation, to support our position.

## SAMPLE SUBMISSION 2

### Issue

**Union is claiming an 6.5% increase for its members arising from proposed work re-organisation**

**Employer rejects the claim on the basis that it is in contravention of a company/union agreement**

[Page 1 of 1]

### SUBMISSION OF THE UNION

#### **Introduction:**

Chairman and Members of the Labour Court

#### **Background:**

The company proposes to implement change in job functions and responsibilities of our members. Our members are not prepared to implement this change without compensation.

#### **Summary of dispute:**

1. The employer proposes to introduce very significant change and re-organisation affecting the members of the Union. Job functions and responsibilities are to be amalgamated and changed, new systems are to be introduced, and there is to be an overall reduction in job numbers of about 8.5% (details of exact changes detailed separately).
2. As the company would not agree to an across the board salary increase to compensate workers for the re-organisation and change, a conciliation conference was held at the Labour Relations Commission on 24 September, 2000. No agreement could be reached at the LRC.

#### **Our case:**

Arising from a reduction in the overall number of posts, and increased efficiencies, substantial cost savings will accrue to the employer arising from these changes. Given the extent of the envisaged changes, the impact on the workers, and the considerable savings to the company, it is reasonable for the workers to have an expectation of benefiting from those savings. It is on this basis that 6.5% increase in salary is being claimed.

#### **Conclusion:**

The Court is requested to find in favour of the workers' claim.

## SUBMISSION OF THE EMPLOYER

### **Introduction:**

Chairman and Members of the Labour Court

### **Background:**

The claim by the union of a salary increase for its members is in contravention of the Company/Union Agreement which states that the workers concerned will accept and operate change/re-organisation and can then request an independent evaluation of their jobs which, depending on the outcome thereof, may or may not result in a re-grading with consequent adjustment in salary.

### **Summary of dispute:**

1. Following extensive negotiation and consultation with the union, a Company/Union agreement was concluded 2 years ago (copy of agreement is attached).
2. According to the agreement, where the employer needs to re-organise the work, the workers will accept the revised arrangements and can subsequently seek to have their jobs independently evaluated to ascertain whether re-grading with attended salary revision is warranted.
3. In order to obtain union buy-in to this agreement, significant concessions with regard to grading structures and salary scales were conceded by the company.
4. Notwithstanding this, the union are now claiming compensation for change.

### **Our case:**

1. The company will abide by the terms of the Union/Company Agreement and will agree to any requests for independent job evaluations as provided for in the Agreement.
2. The premise behind the Agreement is that because the company operates in a rapidly changing marketplace, it needs to be able to quickly adapt operationally in order to meet the challenges it faces. The workers, by accepting the Agreement, agree to change in return for guaranteed job evaluations on request.
3. The Agreement provides for a transparent and orderly approach to pay determination.
4. The company cannot agree to the Union's claim for an across the board increase for its members as, apart from any other considerations, this would be in contravention of the Agreement.

### **Conclusion:**

The company respectfully requests the Court to uphold, in its Recommendation, the terms of the Company/Union Agreement and reject the Union's claim.

## WHAT HAPPENS AT A LABOUR COURT HEARING

Hearings of the Labour Court are held in an atmosphere of informality.

There is, however, a certain protocol in relation to how hearings are held.

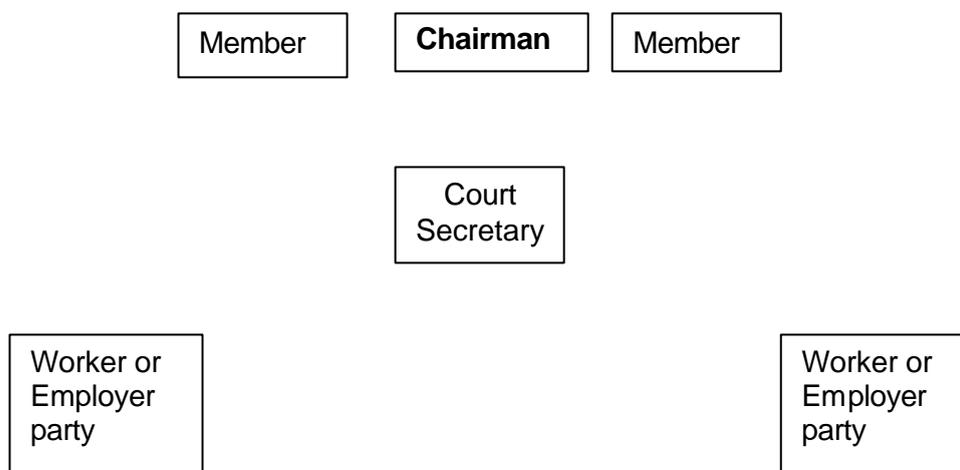
### Arrival of the parties

Parties should arrive in good time for the hearing and make their way to the reception desk of the building in which the hearing is to take place. At the reception desk, they will be directed to the room in which the hearing will be held. The Court Secretary for the hearing will be in attendance at the reception area and will make him or herself known to the parties and will accompany them to the hearing room.

### Lay-out of room for hearing

The hearing room is laid out as follows. The Court Chairman, flanked by the 2 Members, sits at the top of the room. Seats are provided on both sides of the room for the parties. A seat is provided for the Court Secretary in the centre of the room, in front of the Court Division and between the parties (where space does not permit this arrangement, the Court Secretary will sit to one side of the Court Division).

### Diagram



### Signing In

The Court Secretary will indicate to the parties where they might sit and when seated will ask the parties to sign an attendance sheet. The Court Secretary will also give the parties the following:-

- (i) a copy of the submission made by the other party
- (ii) a written notice containing the names of the Division of the Labour Court which is taking the particular hearing (i.e. the name of the Chairman of the Division, the Employers' Member and the Workers' Member) and the name of the Court Secretary.

### **Entrance of the Court**

The Court Secretary will announce the entrance of the Chairman and Members of the Court. The parties should stand as the Court arrives.

### **Proceedings at the Hearing**

The Court Secretary will announce the dispute, naming the parties.

Then both parties will stand, in turn, and read their submissions; the party which initiated the hearing goes first.

After both submissions have been read, questions can be put by either party, or by the Court, but all questions, by whomsoever asked, must be asked through the Chairman.

The hearing is brought to a conclusion by the Chairman. The Court then leaves the room. The parties should stand as the Court leaves.

### **After the hearing**

The Court will usually issue its Recommendation/Determination/Order to the parties within three weeks of the hearing.

Any queries about the case following the hearing should be addressed to the Court Secretary who attended the hearing.

## WHERE TO GET FURTHER INFORMATION ABOUT THE LABOUR COURT

The Labour Court is located at Tom Johnson House, Beggars Bush, Haddington Road, Dublin 4. The phone number for the Labour Court is (01) 6136666; Lo-Call Service (if calling from outside (01) area) – 1890 222 228); the fax number is (01) 6136667; e-mail address is [info@labourcourt.ie](mailto:info@labourcourt.ie)

The Labour Court website address is [www.labourcourt.ie](http://www.labourcourt.ie). As well as detailed, up-to-date information on the Labour Court, the website contains our database of Recommendations, Orders, Determinations, Decisions, with searching facilities.

Queries to the Labour Court should be directed as follows:-

<b>Type of Query</b>	<b>Administrative Section of the Labour Court</b>	<b>Telephone Numbers</b>
About a particular case, before the hearing	Programming Section	(01) 6136608, 6136610, 6136611
About a particular case, after the hearing	Relevant Court Secretary	As indicated at the hearing
Joint Labour Committees, Employment Regulation Orders, Registered Employment Agreements, National Minimum Wage	Joint Labour Committees Section	(01) 6136638, 6136639, 6136640, 6136641, 6136642
General information about industrial relations, equality, organisation of working time, part-time work, fixed-term work; and queries about the website.	Legislation and Information	(01) 6136643

## USEFUL ADDRESSES AND TELEPHONE NUMBERS

Department of Enterprise, Trade and Employment  
Employment Rights Information Section  
Davitt House  
65A Adelaide Road  
Dublin 2

Telephone: (01) 631 3131  
Lo-call Service (if calling from outside the (01) area: 1890 201 615  
E-mail: [erinfo@entemp.ie](mailto:erinfo@entemp.ie)  
Website: [www.entemp.ie](http://www.entemp.ie)

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Labour Relations Commission  
Tom Johnson House  
Beggars Bush  
Haddington Road  
Dublin 4

Telephone: (01) 613 6700  
Lo-call Service (if calling from outside the (01) area: 1890 220 227  
Fax: (01) 613 6701  
E-mail: [info@lrc.ie](mailto:info@lrc.ie)  
Website: [www.lrc.ie](http://www.lrc.ie)

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Employment Appeals Tribunal  
Davitt House  
65A Adelaide Road  
Dublin 2

Telephone: (01) 631 2121  
Lo-call Service (if calling from outside the (01) area: 1890 220 222

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Equality Authority  
Clonmel Street  
Harcourt Street  
Dublin 2

Telephone: (01) 417 3333  
Lo-call Service (if calling from outside the (01) area: 1890 245 545  
Fax: (01) 417 3366  
E-mail: [info@equality.ie](mailto:info@equality.ie)  
Website: [www.equality.ie](http://www.equality.ie)

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The Equality Tribunal  
3 Clonmel Street  
Harcourt Street  
Dublin 2

Telephone: (01) 477 4100  
Lo-call Service (if calling from outside the (01) area: 1890 344 424  
Fax: (01) 477 4141  
E-mail: [info@equalitytribunal.ie](mailto:info@equalitytribunal.ie)  
Website: [www.equalitytribunal.ie](http://www.equalitytribunal.ie)

## APPENDIX 1

### LIST OF JOINT LABOUR COMMITTEES

	Name of Committee
1.	Aerated Waters and Wholesale Bottlers Joint Labour Committee
2.	Agricultural Workers Joint Labour Committee
3.	Brush and Broom Joint Labour Committee
4.	Catering Joint Labour Committee for County Borough of Dublin and Borough of Dun Laoghaire
5.	Catering Joint Labour Committee (excluding County Borough of Dublin and Borough of Dun Laoghaire)
6.	Contract Cleaning (City and County of Dublin) Joint Labour Committee
7.	Contract Cleaning (outside Dublin) Joint Labour Committee
8.	Hairdressing (Dublin and Dun Laoghaire County Borough) Joint Labour Committee
9.	Hairdressing (Cork County Borough) Joint Labour Committee
10.	Handkerchief and Household Piece Goods Joint Labour Committee
11.	Hotels (Dublin) Joint Labour Committee
12.	Hotels Joint Labour Committee
13.	Law Clerks Joint Labour Committee
14.	Provender Milling Joint Labour Committee
15.	Retail Grocery and Allied Trades Joint Labour Committee
16.	Security Industry Joint Labour Committee
17.	Shirtmaking Joint Labour Committee
18.	Tailoring Joint Labour Committee
19.	Women's Clothing and Millinery Joint Labour Committee

## APPENDIX 2

### LIST OF EMPLOYMENT REGULATION ORDERS CURRENTLY IN FORCE

	<u>S.I. Number</u>
1. Aerated Waters & Wholesale Bottling.	195 of 2005
2. Agricultural Workers.	33 of 2004
3. Brush & Broom.	207 of 1994
4. Catering (Dublin)	702 of 2004
5. Catering (Other than Dublin).	144 of 2004
6. Contract Cleaning (Dublin).	59 of 2004
7. Contract Cleaning (Other than Dublin)	60 of 2004
8. Hairdressing (Cork).	519 of 2004
9. Hairdressing (Dublin).	518 of 2004
10. Handkerchief and Household Piece Goods.	681 of 2004
11. Hotels (Other than Dublin).	15 of 2004
12. Law Clerks.	214 of 2005
13. Provender Milling.	194 of 2005
14. Retail Grocery and Allied Trades.	88 of 2004
15. Security Industry.	631 of 2003
16. Shirtmaking.	682 of 2004
17. Tailoring.	683 of 2004
18. Women's Clothing and Millinery.	684 of 2004

### APPENDIX 3

#### LIST OF REGISTERED EMPLOYMENT AGREEMENTS CURRENTLY ON THE REGISTER

EMPLOYER OR INDUSTRY	CLASS OF WORKER	DATE REGISTERED
(1) Structural Steel Industry (i) Whole State; (ii) County and County Borough of Dublin.	(i) Erectors; (ii) Blacksmiths, Whitesmiths, Markers-out, Sheeteters, Apprentices and Improvers to above trades; Electric Welders, Pressmen, Semi-skilled Workers, Labourers and Helpers, Smiths' Helpers and Erectors' Helpers.	24/6/1948 (Varied with effect from 17/8/1951, 13/3/1953, 26/6/1953, 4/7/1957 and 6/6/1958).
(2) Grocery and Provision Trade, Dungarvan.	Shop and Clerical Assistants.	24/9/1951.
(3) Scalemaking Industry, Whole State.	Service Mechanics and (to the limited extent set out in the Agreement) Labourers, Motor Drivers and Storekeepers of 21 years of age and over.	21/3/1952 (Varied with effect from 22/5/1953 and 21/1/1956).
(4) Boot & Shoe Manufacturing Industry, Whole State.	Workers employed in the manufacture of footwear made wholly or partly of leather and/or fabric, other than clerical workers, engineers, mechanics, electricians, painters, carpenters, stokers, porters, sweepers, liftmen, hoistmen, caretakers, timekeepers, labourers and odd job men not directly engaged in the operations of making footwear.	30/7/1952 (Varied with effect from 18/2/1956, 18/10/1957, 3/1/1959, 17/6/1961, 25/6/1962, 25/5/1964, 26/9/1966, 28/10/1968, 9/2/1970, 7/6/1971, 10/7/1972, 3/9/1973 and 25/8/1975).
(5) Grocery and Provision Trade, Clonmel.	Shop and Clerical Assistants.	8/5/1956.
(6) Grocery and Provision Trade, Carlow.	Shop and Clerical Assistants.	29/5/1956 (Varied with effect from 1/10/1961).

<b>EMPLOYER OR INDUSTRY</b>	<b>CLASS OF WORKER</b>	<b>DATE REGISTERED</b>
(7) Grocery and Provision Trade in the Borough of Wexford.	Shop and Clerical Assistants.	29/5/1956 (Varied with effect from 2/10/1961).
(8) Grocery and Provision Trade, Dublin City and Dun Laoghaire.	Shop Assistants, Chargehands, Book-keepers and Cashiers.	28/12/1956 (Varied with effect from 8/3/1959, 10/10/1959, 11/6/1962 and 1/3/1965).
(9) Grocery and Provision Trade, Dublin City and Dun Laoghaire.	Apprentices and Junior Assistants.	22/1/1958.
(10) Cleaning and Dyeing Industry, Dublin City and County and Bray.	Dyers, Cleaners, Finishers and other specified workers.	27/6/1958 (Varied with effect from 7/5/1960).
(11) Footwear, Drapery and Allied Trades, Borough of Clonmel.	Shop and Clerical Assistants.	28/6/1958 (Varied with effect from 30/12/1960).
(12) Grocery and Provision Trade, Cork.	Male and Female Assistants, Book-keepers, Cashiers and Chargehands.	15/7/1958 (Varied with effect from 5/3/1960, 22/3/1961 and 25/6/1962).
(13) Motor Trade, Limerick.	Motor Mechanics, Motor Mechanic Apprentices, Motor Mechanic Improvers, Motor Vehicle Greasers, Motor Vehicle Washers, Garage Labourers and Petrol Pump Attendants.	23/12/1960 (Varied with effect from 2/4/1962, 4/2/1963 and 11/5/1964).
(14) Motor Trade, Kilkenny.	Motor Mechanics, Motor Mechanic Apprentices, Motor Mechanic Improvers, Motor Vehicle Greasers, Motor Vehicle Washers, Garage Labourers and Petrol Pump Attendants.	7/7/1961 (Varied with effect from 2/4/1962, 6/7/1964 and 29/3/1965).
(15) Motor Trade, Cork.	Motor Mechanics, Motor Mechanic Apprentices, Motor Mechanic Improvers, Motor Vehicle Greasers, Motor Vehicle Washers, Garage Labourers and Petrol Pump Attendants.	24/11/1961 (Varied with effect from 3/3/1962, 13/8/1962 and 11/5/1964).
(16) Grocery and Provision Trade, Drogheda.	Shop and Clerical Assistants.	9/2/1963.

<b>EMPLOYER OR INDUSTRY</b>	<b>CLASS OF WORKER</b>	<b>DATE REGISTERED</b>
(17) Road Haulage, Dublin Area.	Drivers and Helpers.	16/11/1964 (Varied with effect from 17/2/1969, 13/7/1970, 12/8/1974, 21/2/1977 and 3/7/1978).
(18) Wholesale Fruit and Vegetable Trades, Dublin and Dun Laoghaire.	Drivers, Salesmen, Storemen, Porters, and Helpers.	8/2/1965 (Varied with effect from 21/2/1966, 5/9/1966, 27/5/1968, 21/9/1970 and 19/5/1986).
(19) The Borden Company Limited, Mallow.	All workers employed in the factory.	24/8/1965 (Varied with effect from 5/12/1967 and 23/2/1970).
(20) Construction Industry, Whole State (Wages and Conditions).	(a) Craftsmen, Brick and Stonelayers, Carpenters and Joiners, Floorlayers (Dublin County Borough and County and Bray Urban District), Glaziers, Painters, Plasterers, Plumbers, Slaters, Tilers, Stonecutters, Woodcutting Machinists and Apprentices to above; (b) Lorry Drivers (Dublin County Borough and County and Bray Urban District); (c) General Operatives.	15/3/1967 (Varied with effect from 29/7/1968, 16/2/1970, 30/8/1971, 25/9/1972, 3/9/1973, 27/6/1974, 1/9/1975, 15/3/1976, 3/1/1977, 8/8/1977, 26/9/1977, 13/12/1977, 15/5/1978, 5/11/1978, 5/2/1979, 9/11/1981, 14/5/1984, 21/7/1986, 10/12/1990, 3/2/1992 and 17/6/1996, 19/4/2005 and 27/5/2005).
(21) Irish Life Assurance Company Limited.	Certain categories of Clerical Workers.	19/6/1968.
(22) Construction Industry, Whole State (Pensions Assurance and Sick Pay).	(a) Craftsmen, Brick and Stonelayers, Carpenters and Joiners, Floorlayers (Dublin County Borough and County and Bray Urban District), Glaziers, Painters, Plasterers, Plumbers, Slaters, Tilers, Stonecutters, Woodcutting Machinists and Apprentices to above; (b) Lorry Drivers (Dublin County Borough and County and Bray Urban District); (c) General Operatives.	7/3/1969 (Varied with effect from 16/2/1970, 25/9/1972, 27/9/1973, 27/6/1974, 3/5/1976, 4/4/1977, 16/1/1978, 26/6/1978, 26/3/1979, 3/8/1981, 15/11/1982, 21/1/1985, 4/11/1985, 1/6/1987, 12/9/1988, 19/2/1990, 13/8/1990 and 10/10/1994).
(23) Irish Life Assurance Company Limited.	Ordinary Branch Inspectors.	25/5/1970.

<b>EMPLOYER OR INDUSTRY</b>	<b>CLASS OF WORKER</b>	<b>DATE REGISTERED</b>
(24) Irish Life Assurance Company Limited.	District Inspectors.	22/6/1970.
(25) Top Quality Products Limited.	All workers except Clerical and Management Staff.	2/6/1978.
(26) Midland Growers Limited.	General farm workers, lorry drivers, fork-lift drivers, front and loader drivers, line operators, pickers, packers and canteen workers.	25/9/1978.
(27) Drummin Growers Limited.	General farm workers, lorry drivers, fork-lift drivers, front and loader drivers, line operators, pickers, packers and canteen workers.	25/9/1978.
(28) C.J.M. Growers Limited.	General farm workers, lorry drivers, fork-lift drivers, front and loader drivers, line operators, pickers, packers and canteen workers.	25/9/1978.
(29) Batchelors Limited.	All hourly paid employees except Tradesmen and Apprentices.	17/10/1978.
(30) Kayfoam Woolfson Limited.	Employees at Company's premises at Bluebell Industrial Estate (excluding Managers, Supervisors, Clerical Staff Personnel and Craftsmen).	21/7/1981.
(31) Unidare Limited.	Employees in job evaluated Grade 'A' Category (defined as workers who are required to work and maintain a forty hours standard working week).	29/7/1981.
(32) Aughinish Alumina Limited.	Instrument Craftsmen, Electrician, Mechanical Fitter, Fitter Machinist, Control Room Operator, Process Operator, Storeman, Maintenance Serviceman, Plant and Wharf Serviceman, Sampleman and Utilityman.	8/11/1982.

<b>EMPLOYER OR INDUSTRY</b>	<b>CLASS OF WORKER</b>	<b>DATE REGISTERED</b>
(33) Rowntree Mackintosh (I) Limited.	All employees of the Company who are members of the signatory Unions.	14/2/1985.
(34) United Drug Limited, Limerick.	All employees of the Company who are members of the signatory Unions.	15/2/1985.
(35) Palm Grove Limited.	All employees of the Company who are members of the signatory Unions.	27/6/1985.
(36) Dublin Cargo Handling Limited.	All Dockers, Checkers and Foremen employed by the Company.	17/12/1985.
(37) Batchelors Limited.	Maintenance Craftsmen employed by the Company who are members of the signatory Unions.	8/12/1986.
(38) Printing Trade, City and County of Dublin.	Workers engaged during the whole or part of their time in the production of printed matter (other than newspaper offices) by plant and equipment in normal use in commercial printing establishments together with ancillary workers.	9/5/1988 (Varied with effect from 8/5/1989 and 20/11/1996).
(39) Electrical Contracting Industry.	Electricians engaged in general Electrical Contracting Industry.	24/9/1990 (Varied with effect from 3/2/1992, 28/12/1992, 11/11/1996, 31/12/1997, 1/4/1999, 13/7/1999, 3/10/2000, 1/6/2001, 12/7/2002, 1/4/2003 and 23/7/2004).
(40) Reilly Medical & Surgical Supplies Limited.	Certain categories of workers excluding Managerial, Supervisory, Sales Representatives, Clerical Administrative, Personnel and Apprentices.	6/3/1989.
(41) Barlo Heating Limited.	All hourly paid workers who are members of the signatory Unions.	8/10/1990.
(42) B & I Limited.	Ships Officers who are members of SIPTU.	7/11/1994.

<b>EMPLOYER OR INDUSTRY</b>	<b>CLASS OF WORKER</b>	<b>DATE REGISTERED</b>
(43) Dublin & Dun Laoghaire Drapery, Footwear and Allied Trades.	Sales or clerical employees in establishments in the County Borough of Dublin, the County of Dun Laoghaire/Rathdown, the County of South Dublin & the County of Fingal, whose business is the sale of footwear, clothing, headgear, drapery and haberdashery.	21/8/1997 (Varied with effect from 22/5/1998, 31/12/1998, 6/12/1999 and 29/8/2003).
(44) Bishopstown Credit Union Ltd.	All workers employed in Bishopstown Credit Union.	12/03/2001
(45) Aer Rianta	Airport Police/Fire Service	30/1/2004