



THE LABOUR COURT
An Chúirt Oibreachais

**Freedom of Information
Publication Scheme**

Labour Court

September 2023

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Introduction

Section 8 of the Freedom of Information (FOI) Act 2014 requires FOI bodies to prepare and publish a scheme concerning the publication of information by the body in conformity with a model publication scheme and guidelines made by the Minister for Public Expenditure and Reform in October 2014. This approach allows for the publication or giving of records outside of FOI provided that such publication or giving of access is not prohibited by law.

The Labour Court has prepared its FOI Publication Scheme in accordance with the model publication scheme and guidelines made by the Minister for Public Expenditure and Reform, which state that, under the Scheme, the FOI body shall:

- Set out information to assist members of the public in their understanding of the body and its functions;
- Publish the information it holds grouped under the headings listed and
- Explain the procedures to get access to information or to establish what information the body holds.

In preparing its Scheme, the Labour Court has had regard to the public interest in:

- (a) Allowing public access to information held by the Labour Court;
- (b) The publication of reasons for decisions made by the Labour Court; and
- (c) Publishing information of relevance or interest to the general public in relation to the Labour Court's activities and functions generally.

Information about the Labour Court

Who we are and what we do.

Organisational information, structures, locations and contacts.

Establishment of the Labour Court

The Labour Court was established under the Industrial Relations Act, 1946 when its main function was 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. The responsibilities and role of the Court have been considerably enhanced over the years both as a result of the increase in National and European employment legislation and the enactment of the Workplace Relations Act 2015 which provides that the Labour Court now has sole appellate jurisdiction in all disputes arising under employment rights' enactments.

Roles, responsibilities and functions

The Court's functions are divided between those relating to industrial relations matters and those relating to the determination of appeals in matters of employment rights. With the enactment of the Workplace Relations Act 2015 the Labour Court now has sole appellate jurisdiction in all disputes arising under employment rights enactments.

In particular the Court has responsibility for:

- investigating trade disputes under the Industrial Relations Acts, 1946 to 2015.
- hearing appeals of Adjudication Officers' recommendations under the Industrial Relations Acts.
- hearing appeals of Adjudication Officer's decisions under the various Employment Rights and Pension Acts enactments.
- registering, varying, cancelling and interpreting employment agreements.
- registering Joint Industrial Councils.
- investigating complaints of breaches of registered employment agreements.
- statutory functions in relation to Joint Labour Committees and Employment Regulation Orders as set down in the Industrial Relations Acts 1946 to 2015.

- investigating complaints of breaches of codes of practice made under the Industrial Relations Act, 1990 (following consideration of the complaint by the Workplace Relations Commission).
- giving its opinion as to the interpretation of a code of practice made under the Industrial Relations Act, 1990, as amended.
- statutory functions in relation to Sectoral Employment Orders as set down in the Industrial Relations (Amendment) Act 2015.
- investigating 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 and the Industrial Relations (Amendment) Act 2015.
- approving collective agreements under the Organisation of Working Time Act, 1997.
- hearing applications for exemption from the provisions of the National Minimum Wage Act, 2000.
- approving collective agreements regarding casual part-time employees under the Protection of Employees (Part-Time Work) Act, 2001.
- providing opinions to the Minister under the Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007.

The records falling under the Act include records relating to:

- Case files – Case files contain documents relating to each Labour Court case, most of which contain personal data. Personal information on these files is available to the parties involved in a case and not to any third party.
- Records relating to SEOs/REAs/JLCs/EROs
- Determinations/Decisions/Recommendations
- Procurements and Contracts
- Accommodation
- ICT
- HRM (including training and development of staff)
- FOI Applications

- Data Protection issues
- Liaison with the Department of Jobs, Enterprise and Innovation.

Governance/Management arrangements

The governance of the Labour Court is pursued in accordance with its establishing legislation and the relevant guidance issued by Department of Finance and Department of Public Expenditure and Reform, including:

- The Corporate Governance Standard for the Civil Service
- Public Financial Procedures, Department of Public Expenditure and Reform
- The Role and Responsibilities of Accounting Officers, A Memorandum for Accounting

Officers, Department of Public Expenditure and Reform, 2011 and any other relevant circulars or instruction issued by the Department of Finance or the Department of Public Expenditure and Reform from time to time.

The Labour Court is an office of the Department of Jobs, Enterprise and Innovation, however is independent of the Department with regard to its statutory function. The Department provides staffing for the Administration

The budget of the Labour Court is granted via the Department of Jobs, Enterprise and Innovation who oversee the procedures of the Labour Court in dealing with expenditure. Liaison with the Department and regular audits, either by the Department's Internal Audit Unit or by the Comptroller and Auditor General ensure that governance arrangements are observed.

Annual Report

The Annual Report of the Labour Court must be presented to the Minister for Jobs, Enterprise and Innovation and following its being laid before the Oireachtas it is published. The Annual Report will be made available on the Labour Court website <https://www.labourcourt.ie/en/> by early June.

Organisation and Pay/Grading Structures

Structure of the Labour Court

The Labour Court consists of 13 full-time members - a Chairman (Deputy Secretary grade), 4 Deputy Chairmen (Assistant Secretary grade) and 8 Ordinary Members (Principal Officer grade), 4 of whom are Employers' Members and 4 of whom are Workers' Members.

Labour Court Hearing

Each hearing of the Court is taken by a Division of the Court consisting of the Chairman or a Deputy Chairman of the Court, a Worker Member and an Employer Member.

Registrar

The Registrar to the Labour Court sources and provides timely legal services and advice to the Labour Court in carrying out its statutory functions.

Labour Court Administration

The Labour Court is supported in its function by an administration service which is staffed by permanent employees who are civil servants and part of the staffing establishment of the Department of Jobs, Enterprise and Innovation.

The Civil Service pay scales are available on www.circulars.gov.ie

Location and Contact Details.

The Labour Court can be contacted at:

The Labour Court, Lansdowne House, Lansdowne Road, Dublin 4, D04 A3A8

Tel: 01 6136666

Email: info@labourcourt.ie

Details of Service Level Agreements/Memoranda of Understanding

Each year a Memorandum of Understanding, setting out the standards and services expected of the Labour Court and the Department of Jobs, Enterprise and Innovation, is agreed between the Chairman and the Department. A copy of the Memorandum of Understanding is available on request.

Customer Charter

Our Customer Charter, together with procedures for receiving feedback and complaints relating to Customer Service, is set out on our website - info@labourcourt.ie

Codes of Practice or Guidelines

The Labour Court has adopted the following Procedural Rules giving effect to a number of provisions of the Industrial Relations (Amendment) Act 2015 and pursuant to Section 20 of the Industrial Relations Act 1946 as amended by Section 50 of the Workplace Relations Act 2015.

- Labour Court (Employment Rights Enactment) Rules 2015.
- Labour Court (Registered Employment Agreement) Rules 2015
- Labour Court (Sectoral Employment Order) Rules 2015
- Labour Court (Exemption from Obligation to Pay Remuneration Prescribed by a Sectoral Employment Order) Rules 2015

These can be found on the Labour Court's website - <https://www.labourcourt.ie/en/>

Services Provided

The services provided by the Labour Court under the various pieces of legislation are outlined in Section A - Information about the Labour Court

How such services can be accessed

Information on how the services of the Labour Court in respect of appeals under employment rights can be accessed are available at the following link:

<https://www.labourcourt.ie/en/useful-information/how-to-make-an-appeal-referral/>

The relevant forms on which to make an application;

- to register an employment agreement;
- to request the Labour Court to examine terms and conditions of employment in a sector and
- to apply for an exemption from the obligation to pay remuneration prescribed by a Sectoral Employment Order.

are available at the following link:

<https://www.labourcourt.ie/en/forms/other-forms/>

How much such services cost to access

The services provided by the Labour Court are free, however in circumstances where a party who failed to appear at a first instance hearing of the Workplace Relations Commission without good cause, wishes to appeal the decision to the Labour Court, they will have to pay a fee of €300 when lodging their appeal. If the Labour Court determines that the party in question had good cause for failing to attend the first instance hearing, the fee will be refunded.

Administration of such services

Adjudication of cases is carried out by a Division of the Labour Court and supported in its functions by an administrative service.

Review or appeal rights relating to such services

A decision of the Labour Court can only be appealed to the High Court on a point of law.

Decision Making process for major policy proposals.

How we make decisions on policies

Decision Making processes and records of decisions

Not applicable to the work of the Labour Court.

Financial Information

What we spend

Financial information relating to income and expenditure

The Labour Court receives funding to carry out its functions from the Department Enterprise Trade and Employment. This funding which covers all the costs in running the Labour Court is identified as a separate subhead in the Department's Vote.

Financial statements

Details of each year's expenditure will be published in the Labour Court Annual Report, with a breakdown under the various headings. The Labour Court does not have a Capital Expenditure allocation. Annual Reports will be available on the Labour Court website <https://www.labourcourt.ie/en/> by June following year end.

Plans for major Capital Expenditure

Not applicable.

Governance Board Member remuneration

Not applicable

There are numerous smaller payments made each year by the Labour Court in the course of its administration. The following section on Procurement provides further details on expenditure by the Labour Court.

Procurement

How we spend

Information relating to how we procure goods and services

The Labour Court incurs expenditure in several different ways. Where central contracts are in place (e.g. procurement by the Office of Government Procurement, the Office of Public Works (OPW), or the Department of Enterprise, Trade and Employment), these contracts are taken up by the Labour Court. Outside of those central contracts, the Labour Court also procures goods and services on its own behalf.

Procurement policies

The Labour Court has a policy of obtaining the best value for money in all of its procurements. Any large contracts will be entered into following public procurement procedures, and such Requests for Tender will be published on the e-Tenders website (www.etenders.gov.ie). The contracts awarded following such exercises will be notified on the e-Tenders website too.

Smaller expenditure on goods or services is undertaken in accordance with the guidelines for Public Expenditure, by way of obtaining quotations for the goods or services in question. In all cases where the Labour Court procures goods or services, the most economically advantageous option is chosen. This means that, while cost is an important factor, in some cases other criteria may be more heavily weighted according to the requirements of the Labour Court. In this way, real value for money is assured.

Tender competitions on the eTenders website

Details of any tender competitions and contracts awarded will be published on the e-Tenders website www.etenders.gov.ie

FOI Disclosure Log and Other Information to be Published Routinely

Other information

FOI Disclosure Log

A FOI disclosure log will be placed on the Labour Court page of the website <https://www.labourcourt.ie/en/> and will include non-personal requests which have been handled by the Labour Court under the Freedom of Information Act 2014, which brought the Labour Court under the scope of the Freedom of Information for the first time. The details will only be published where:

- privacy rights are not infringed;
- persons are not subject to commercial disadvantage and
- they do not contain information that is exempt from FOI.

Reports

The Annual Report of the Labour Court will be published on <https://www.labourcourt.ie/en/>

Frequently requested information

The information most frequently requested of the Labour Court relates to case records. Requesters should satisfy themselves as to the validity of their request before making a formal request under the Freedom of Information Act 2014.

Decisions/Determinations/Recommendations of the Labour Court can be found at the following link:

<https://www.labourcourt.ie/en/useful-information/guide-to-decisions-recommendations-search-facility/>